

# ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979

## STATE SIGNIFICANT DEVELOPMENT APPLICATION

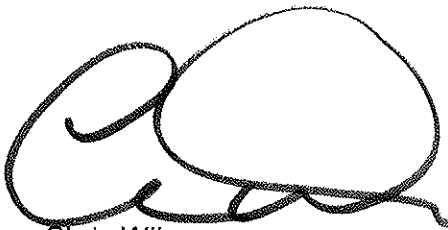
**No. 4952-2011**

### SHOALHAVEN CANCER CARE CENTRE

The Executive Director, Major Projects Assessment, as delegate for the Minister for Planning and Infrastructure, under instrument of delegation dated 14 September 2011, pursuant to Section 89E of the *Environmental Planning and Assessment Act 1979*, grant development consent to the carrying out of development the subject of SSD Application (No.4952-2011) referred to in the attached Schedule 1, subject to the conditions in Schedule 2.

The reasons for the imposition of conditions are:

- (1) To protect the amenity of the locality;
- (2) To protect the public interest; and
- (3) To promote a high quality finished development.



Chris Wilson  
Executive Director  
Major Projects Assessment

Sydney, **18 MARCH** March 2012

**SCHEDULE 1****PART A — TABLE**

|                                          |                                                                                                                           |
|------------------------------------------|---------------------------------------------------------------------------------------------------------------------------|
| <b>Application made by:</b>              | NSW Health Infrastructure<br>P O Box 1060<br>North Sydney NSW 2060                                                        |
| <b>Application made to:</b>              | Minister for Planning & Infrastructure                                                                                    |
| <b>Application Number:</b>               | SSD 4952-2011                                                                                                             |
| <b>On land comprising:</b>               | Part Allotment 7300 in Deposited Plan No.11132679, corner of Scenic Drive and North Street, known as "Nowra Park", Nowra. |
| <b>Local Government Area</b>             | Shoalhaven City Council                                                                                                   |
| <b>For the carrying out of:</b>          | A detailed description of the development approved is described in Condition A1, Part A, Schedule 2                       |
| <b>Capital Investment Value</b>          | Approximately \$33.866 million                                                                                            |
| <b>Type of development:</b>              | Development under section 89E the EP&A Act                                                                                |
| <b>S.119 Public Inquiry held:</b>        | No                                                                                                                        |
| <b>BCA building class</b>                | Class 3 and 9a.                                                                                                           |
| <b>Determination made on:</b>            |                                                                                                                           |
| <b>Determination:</b>                    | Project approval is granted subject to the conditions in the attached Schedule 2.                                         |
| <b>Date of commencement of approval:</b> | Date determination was made – see above                                                                                   |

**PART B—NOTES RELATING TO THE DETERMINATION OF SSD No.4952-2011****Responsibility for other approvals / agreements**

The Applicant is solely responsible for ensuring that all additional consents and agreements are obtained from other authorities, as relevant.

**Appeals**

The Applicant has the right to appeal to the Land and Environment Court under section 97 of the *Environmental Planning and Assessment Act 1979*. The right to appeal is only valid, for a development application, within 6 months after the date on which the Applicant received this notice, subject to the provisions of Section 115ZJ of the EPA Act, 1979..

**Legal notices**

Any advice or notice to the consent authority shall be served on the Director-General.

Before granting consent to development as allowed by this clause, the consent authority must be satisfied that the development will cease within such time as the consent authority stipulates.

## DEFINITIONS

In this consent,

**Act** means the *Environmental Planning and Assessment Act 1979* (as amended).

**Advisory Notes** means advisory information relating to the approved development but do not form a part of this consent.

**Applicant** means NSW Health & Infrastructure or any party acting upon this consent.

**Approval Body** has the same meaning as within Division 5 of Part 4 of the Act.

**BCA** means the Building Code of Australia.

**Council** means Shoalhaven City Council.

**Department** means the Department of Planning and Infrastructure or its successors.

**Development** means the development to which SSD application 4952-2011 applies.

**Director-General** means the Director-General of the Department of Planning and Infrastructure or any nominee.

**Minister** means the Minister for Planning and Infrastructure.

**Regulations** means the *Environmental Planning and Assessment Regulation 2000* (as amended).

**Site** has the same meaning as the land identified in *Part A -Table* of this schedule and all buildings on this land.

**SSD** means State significant development

**Works** means works undertaken during the construction, performances and rectification

## SCHEDULE 2

### PART A - ADMINISTRATIVE CONDITIONS

#### TERMS OF APPROVAL

##### Development Description

A1. Consent is granted for the construction of a new, part 2 and 3 storey, cancer care centre and associated works including patient and carer's short term accommodation and carparking, and the like, as described by the Applicant's Environmental Impact Statement, prepared by HASSELL Ltd, 31 October 2011, and all documentation submitted in support of the application, as amended and approved under Part A of this consent, including but not limited to:

- Heritage Impact Statement prepared by Godden McKay Logan;
- Archaeological Impact Statement prepared by Godden McKay Logan;
- Traffic and Parking Report prepared by TaylorThomsonWhiting Pty Ltd.
- Bushfire Assessment prepared by TaylorThomsonWhiting Pty Ltd;
- Flora and Fauna Assessment prepared by Lesryk Environmental Consultants;
- Operational and Waste Management Plan prepared by NSW Health Infrastructure;
- Arborist Assessment prepared by Lesryk Environmental Consultants;
- Stage 1 Environmental Assessment prepared by Environmental Investigation Services;
- Geotechnical Report prepared by Environmental Investigation Service; and
- Acoustic Report prepared by Norman Disney Young,

##### Development in Accordance with Plans and Documents

A2. The Applicant shall carry out the development generally in accordance with the:

- (a) *Environmental Impact Statement Report Shoalhaven Cancer Care Centre* prepared by HASSELL Limited, dated 31 October 2012;
- (b) *Response to Submissions Shoalhaven Cancer Care Centre* prepared by HASSELL Limited, dated 01 February, 2012 and *Addendum to Flora & Fauna Assessment*, prepared by Lesryk Environmental Consultants, date stamped 08 February 2012;
- (c) The following plans prepared by HASSELL Ltd (Project No.AX3042J) :

| <b>Architectural (or Design) Drawings</b> |                         |                               |             |
|-------------------------------------------|-------------------------|-------------------------------|-------------|
| <b>Drawing No.</b>                        | <b>Drawing Revision</b> | <b>Name of Plan</b>           | <b>Date</b> |
| SC-AA004-G                                | G                       | Context Plan                  | 23/01/2012  |
| SC-AA005-F                                | F                       | Site Plan                     | 23/01/2012  |
| SC-A100-G                                 | G                       | Lower Ground Floor Plan - L00 | 26/07/2011  |
| SC-A101-H                                 | H                       | Ground Floor Plan – L1        | 23/01/2012  |
| SC-A102-H                                 | H                       | First Floor Plan – L2         | 23/01/2012  |
| SC-A103-F                                 | F                       | Roof Plan                     | 26/09/2011  |
| SC-A104                                   | D                       | Carer's Accommodation Plan    | 26/07/2011  |
| SC-A200                                   | D                       | SCCC Sections                 | 26/07/2011  |
| SC-A151                                   | D                       | Residential Elevations        | 26/07/2011  |
| SC-A150                                   | E                       | SCCC Elevations               | 23/01/2012  |
| SC-L100                                   | F                       | Landscape Plan                | 23/01/2012  |
| SC-L002                                   | A-02                    | Tree Removal Plan             | 20/02/2012  |

except for any

- (i) modifications which are 'Exempt and Complying Development' or as may be necessary for the purpose of compliance with the BCA and any Australian Standards incorporated in the BCA; or
- (ii) Otherwise provided by the conditions of this consent.

##### Inconsistency between plans and documentation

A3. In the event of any inconsistency between conditions of this consent and the drawings/documents referred to above, the conditions of consent prevail.

**Prescribed Conditions**

A4. The Applicant shall comply with the prescribed conditions under Part 6, Division 8A of the Regulation.

**Development Expenses**

A5. It is the responsibility of the developer to meet all expenses incurred in undertaking the development, including expenses incurred in complying with conditions imposed under this approval.

**Limits of Approval**

A6. This consent will lapse 5 years from the date of this approval unless the building works associated with the project have physically commenced.

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**PART B – PRIOR TO CERTIFICATION OF CROWN BUILDING WORKS****Stormwater & Drainage**

B1. Prior to the certification of Crown building works, detailed stormwater and drainage plans shall be prepared, including the following details:

- Connection to Council's underground drainage system;
- Layout of drainage system;
- On site stormwater detention;
- Absorption trenches;
- Provision and maintenance of overland flow paths; and
- Design of siltation and sediment controls.

The certifier shall be satisfied that the plans are designed in accordance with Council's policies and requirements prior to issue of certification. All approved details for the disposal of stormwater and drainage are to be implemented in the development.

**Mechanical Ventilation**

B2. All mechanical ventilation systems shall be designed in accordance with Part F4.5 of the Building Code of Australia and shall comply with Australian Standards AS1668.2 and AS3666 Microbial Control of Air Handling and Water Systems of Building, prior to certification of any Crown building works to ensure adequate levels of health and amenity to the occupants of the building and to ensure environment protection.

**Disabled Access**

B3. Access and facilities for people with disabilities shall be provided in accordance with Part D3 of the BCA's Access Policy. Prior to certification of any Crown building works for the new building a certification of compliance with this condition from an appropriately qualified person shall be obtained.

**Traffic, Parking and Accessibility Details**

B4. Prior to certification of relevant building works for the new building, plans are to identify the following traffic and parking details:

- a) all vehicles should enter and leave the site in a forward direction. In the event that site constraints do not permit heavy rigid vehicles to enter and leave the site in a forward direction, then all reversing movements should be undertaken under the control of certified traffic controllers to ensure public safety when vehicles are reversing;
- b) car parking associated with the proposal (including queuing areas, grades, turn paths, sight distance requirements, aisle widths, and parking bays) should be in accordance with AS 2890.1-2004 and AS 2890.2-2002 for heavy vehicle usage and provided in accordance with the Traffic and Parking Report prepared by TTW (May 2011);
- c) appropriate pedestrian advisory signs are to be provided at the egress from the car park and loading dock
- d) Detailed design must implement the accessibility requirements outlined in the Morris-Goding Accessibility Consultants Review Report (May 2011)
- e) the swept path of the longest vehicle (including garbage trucks) entering and exiting the subject site, as well as manoeuvrability through the site, shall be in accordance with AUSTROADS; and

- f) all works/regulatory signposting associated with the proposed developments shall be at no cost to the RTA or Council.

**Noise Attenuation Measures**

- B5. Prior to certification of building works, the Applicant shall incorporate the recommendations of the *Shoalhaven Regional Cancer Care Centre – DA Acoustic Assessment Report* prepared by Norman Disney & Young, 16 June 2011 in the detailed design drawings and submit to the Department documentation demonstrating that the internal noise target recommended in the report can be achieved and that the proposal would not result in noise levels above the limits identified in the Acoustic Report for surrounding residential and hospital receivers.

**Reflectivity**

- B6. The light reflectivity from any building materials used on the facades of the building shall not exceed 20% and shall be designed so as not to result in glare that causes any nuisance or interference to any person or place.

**Outdoor Lighting**

- B7. All outdoor lighting shall be designed to comply with, where relevant, AS/NZ1158.3: 1999 Pedestrian Area (Category P) Lighting and AS4282: 1997 Control of the Obtrusive Effects of Outdoor Lighting.

**Ecologically Sustainable Development**

- B8. The project shall target a 4 star Green Star design.

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**PART C – PRIOR TO CONSTRUCTION****Environmental Management Plan**

- C1. An Environmental Management Plan, having regard to the guidelines contained in the Interim Construction Noise Guideline (DECCW, 2009), shall be prepared in consultation with Council and submitted to the Department prior to the commencement of works. The Plan shall include, but not be limited to, the following matters which are to be addressed by suitably qualified person(s):
- a) **Hours of work**, which must be in accordance with the conditions of this approval;
  - b) **Contact details** of the site manager and all principal contractors;
  - c) **Traffic management**, which is to be developed in consultation with NSW Transport-RMS and the Council, if required, and have due regard to the recommendations of the Traffic and Parking Report prepared by TTW (May 2011), and is to include:
    - identification of a work zone;
    - ingress and egress of vehicles to the site;
    - management of loading and unloading of materials;
    - number and frequency of vehicles accessing the site and construction vehicle routes;
    - the times vehicles are likely to be accessing the site;
    - access arrangements and traffic control;
    - details on the temporary relocation of the bus stop;
    - changes to on-street parking restrictions on roads;
    - management of construction traffic and car parking demand including preparation and distribution of a Transport Access Guide; and
    - management of existing vehicular and pedestrian movements / routes around the site throughout the various stages of construction;
  - d) **Erosion and sediment control**, identifying appropriate measures to be installed during construction which shall be designed in accordance with in accordance with the document *Managing Urban Stormwater – Soils & Construction Volume 1 (2004)* by Landcom;
  - e) **Construction noise and vibration management**, identifying specific activities that will be carried out and associated noise sources, identify all potentially affected sensitive receivers, noise and vibration monitoring reporting and response procedures, description of specific mitigation treatments management measures and procedures to be implemented, and address any other relevant provisions of Australian Standard 2436-1981

*Guide to Noise Control on Construction, Maintenance and Demolition Sites* and the recommendations in the *Shoalhaven Regional Cancer Care Centre – DA Acoustic Assessment Report* prepared by Norman Disney & Young, 16 June 2011;

- f) **Vibration management**, vibration from construction and operations at the premises must not exceed the preferred values in the document *Assessing Vibration: A Technical Guideline DEC 2006*.
- g) **Construction waste management**, identifying options for minimising waste in construction; reuse and recycling of materials; the storage, control and removal of construction waste; and
- h) **Dust control** measures to be implemented to prevent the movement of airborne particles from the site throughout the construction process, and the tracking of material from the site by trucks and other vehicles. This is to include the appropriate use of physical barriers and the dampening of exposed excavated surfaces. The storage and stockpiling areas for material is also to be detailed.
- i) **Geotechnical and Contamination**, Detailed design is to incorporate the recommendations of the Stage 1 Environmental Assessment (prepared by Jeffery and Katausakas Pty Ltd, April 2011). Detailed design is to incorporate the recommendations of the Geotechnical Investigation (prepared by Jeffery and Katausakas Pty Ltd, (8 April 2011).
- j) **Tree Removal and protection**, including remnant vegetation protection works, must comply with the recommendations of the Arborist Assessment prepared by Moore Trees (May 2011).
- k) **Emergency and Evacuation Procedures**, are to be developed as part of the detailed design and planning for the site.
- l) **Waste Management Plan** is to be prepared to ensure that suitable waste management processes and waste storage areas that support the principles of waste avoidance, reuse and recycling are incorporated into the design of the building. The waste management plan must comply with *SESIAC Policy Clinical Waste –Management of – PD181 and the NSW Health – Policy Directive 2005\_132: Waste Management Guidelines for Health Care Facilities 2005*. Prior to commencement of work on site the waste management plan shall identify means by which the development can maximise reuse and recycling of waste generated in the demolition and construction phase must be prepared.

#### **Notice to be Given Prior to Commencement / Excavation**

- C2. Council shall be given written notice, at least 48 hours prior to the commencement of excavation, shoring or underpinning works on the site for each stage of the project.

#### **Construction Works Zone**

- C3. If a construction works zone is required where loading and unloading is not possible on site and approval is required from the relevant Roads Authority, the Proponent shall obtain approval prior to commencement of works. An approval for the works zones may be given for a specific period and certain hours of the day to meet the particular need for the site for such facilities at various stages of construction.

#### **Road Occupancy Licence**

- C4. A road occupancy licence is to be obtained from the relevant Roads Authority, if required, prior to the commencement of works for any works that may impact on traffic flows on the surrounding street network.

#### **Barricade Permit**

- C5. Where construction/building works require the use of a public place including a road or footpath, approval for a Permit is to be obtained from Council prior to the commencement of work. Details of the barricade construction, area of enclosure and period of work are required to be submitted to the satisfaction of Council.

#### **Road/Asset Opening Permit**

- C6. A Road / Asset Opening Permit must be obtained from the relevant Roads Authority, if required, prior to carrying out any works within or upon a road, footpath, nature strip or in any public place, in accordance with the Roads Act 1993, and all of the conditions and requirements contained in the Road / Asset Opening Permit must be complied with.

#### **Vehicle Cleansing**

- C7. Prior to the commencement of work, suitable measures are to be implemented to ensure that sediment and other materials are not tracked onto the roadway by vehicles leaving the site. It is

an offence to allow, permit or cause materials to pollute or be placed in a position from which they may pollute waters.

**Utility Services**

- C8. Prior to the commencement of work the proponent is to negotiate with the utility authorities (e.g. Energy Australia, Shoalhaven Water and Telecommunications Carriers) in connection with the relocation and/or adjustment of the services affected by the construction of the partially underground structure. Any costs in the relocation, adjustment or support of services are to be the responsibility of the Applicant.
- C9. Any necessary alterations to public utility installations being at the Applicant's/Demolisher's expense and to the requirements of both Council and the appropriate authorities.

**Contact Telephone Number**

- C10. The Applicant shall ensure that a 24 hour contact telephone number is continually attended by a person with authority over the works for the duration of the development. The contact number shall be forwarded to Council and the Department prior to commencement of works.

**Haulage Routes**

- C11. The routes for import of any fill materials or export of any spoil being submitted to and agreed to by the relevant road authorities prior to the commencement of haulage, if required. Unacceptable deterioration or failures within public roads attributable to these operations is to be restored to the requirements of, and at no cost to the road authorities.

**Fire Hazard Protection**

- C12. Fire protection measures shall be implemented in accordance with the recommendations made by "*Bushfire Protection Assessment*" prepared by Ecological Australia, dated 7 June 2011 and the following:
1. 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*'.
  2. Water, electricity and gas are to comply with sections 4.1.3 and 4.2.7 of *Planning for Bush Fire Protection 2006* and Section 4.3 and 4.4 of the *Bush Fire Protection Assessment* prepared by Ecological Australia dated 7th June 2011.
  3. Internal roads shall comply with section 4.2.7 of *Planning for Bush Fire Protection 2006*.
  4. An Emergency / Evacuation Plan shall be prepared in accordance with section 4.2.7 of *Planning for Bush Fire Protection 2006*.
  5. The proposed new cancer care centre buildings and cartilage area 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 Bush Fire Protection*" 2006.
  6. Landscaping to the site is to comply with the principles of Appendix 5 of *Planning for Bush Fire Protection 2006*.
  7. Bushfire measures including identification and maintenance of an asset protection zone (APZ) must comply with the recommendations of the Bushfire Assessment prepared by Ecological Australia (2011).

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**PART D – DURING CONSTRUCTION****Hours of work**

- D1. The hours of excavation and work on the development must be as follows:
- (a) All excavation and construction work and activities in the vicinity of the site generating noise associated with preparation for the commencement of work (e.g. loading and unloading of goods, transferring of tools) in connection with the approved development must only be carried out between the hours of:
    - 7.00am and 6.00pm on Mondays to Fridays
    - 8.00am and 1.00pm on Saturdays
    - No work must be carried out on Sundays or public holidays.

- (b) Works may be undertaken outside these hours where:
- the delivery of materials is required outside these hours by the Police or other authorities
  - It is required in an emergency to avoid the loss of life, damage to property and/or to prevent environmental harm
  - the work is approved by the Director General or his nominee.

**Site Notice**

- D2. A site notice(s) shall be prominently displayed at the boundaries of the site for the duration of works for the purposes of informing the public of project details including, but not limited to:
- (a) details of the Builder and Structural Engineer for all stages of the project;
  - (b) the approved hours of work;
  - (c) the name of the site/project manager, the responsible managing company (if any), its address and 24 hour contact phone number for any inquiries, including construction/noise complaint are to be displayed on the site notice; and
  - (d) to state that unauthorised entry to the site is prohibited.

**Excavation**

- D3. If it is necessary to excavate below the level of the base of the footings of the adjoining roadways, the owners of the roadway are to be given at least 7 days notice. This notice is to include complete details of the work.

**Noise Control**

- D4. All work, including excavation and construction work must comply with the Australian Standard 2436-1981 'Guide to Noise Control on Construction, Maintenance and Demolition Sites' and shall be undertaken in accordance with the noise mitigation strategies recommended in the *Shoalhaven Regional Cancer Care Centre – DA Acoustic Assessment Report* prepared by Norman Disney & Young, 16 June 2011.
- D5. Noise and vibration emissions from equipment and associated site works must not result in damage to nearby premises or result in an unreasonable loss of amenity to nearby residents or businesses and the relevant provisions of the Protection of the Environment Operations Act 1997 must be satisfied at all times.

**Standards and Codes**

- D6. All building works shall be constructed in accordance with safe work practices and complying with the relevant Australian Standards, Codes of Practice and the Building Code of Australia.

**Work Cover Requirements**

- D7. To protect the safety of work personnel and the public, the work site shall be adequately secured to prevent access by unauthorised personnel, and work shall be conducted at all times in accordance with relevant Work Cover requirements.

**Hoarding Requirements**

- D8. The following hoarding requirements shall be complied with:
- (a) No third party advertising is permitted to be displayed on any hoarding/fencing proposed to be erected around the subject site.
  - (b) The construction site manager shall be responsible for the removal of all graffiti from any construction hoardings or the like within the construction area within 48 hours of its application.

**No obstruction of public way**

- D9. The public way (outside of any construction works zone) must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances. Non-compliance with this requirement will result in the issue of a notice by the relevant Authority to stop all work on site.

**Disposal of seepage and stormwater**

- D10. Any seepage or rainwater collected on-site during excavation shall not be pumped to the street stormwater system unless separate prior approval is given in writing by the relevant Authority.

**Erosion and sediment control**

- D11. Sediment controls are to be in place for the duration of the works to ensure that no sediment, fines, and like material can enter the waterway or drainage system. The Applicant is to carry

out works generally in accordance with a Construction and/or Operational Management Plan. Suitable controls are to be maintained at design level throughout the duration of the works and are to be inspected for this purpose at frequent intervals. Any deficiencies are to be immediately made good.

**Dust Control Measures**

- D12. Dust control measures are to be in place or are to be undertaken for the duration of the works to prevent dust from affecting the amenity of the immediate area during construction. The Applicant is to carry out works generally in accordance with a Construction and/or Operational Management Plan, and controls are to be maintained at design level throughout the duration of the works and are to be inspected for this purpose at frequent intervals. Any deficiencies are to be immediately made good.

**Pedestrian Access During Construction**

- D13. Pedestrian access along Scenic Drive and North Street are to be maintained as far as feasible throughout construction. Alternative routes, including those for persons with disabilities, shall be clearly identified and signposted for the duration of the works, and until such time as permanent accessible paths are provided.

**Setting Out of Structures**

- D14. The new buildings shall be set out by a registered surveyor to verify the correct position of each structure in relation to property boundaries and the approved alignment levels.

**Directional Signage**

- D15. Directional signage shall be modified as required to accommodate any altered pedestrian and vehicular movements within the area. Particular attention is to be paid to:
- (a) wheelchair accessible paths of travel;
  - (b) safe road crossing areas including signalised and other designated crossings;
  - (c) key landmarks;
  - (d) access to transport nodes including public transport; and
  - (e) the vehicular entrance and exit driveways and the direction of traffic movement within the site being clearly indicated by means of reflectorised signs and pavement markings.

**Traffic Movement**

- D16. The following traffic movement requirements shall be complied with:
- (a) All loading and unloading associated with works must occur on site.
  - (b) All vehicles must enter and leave the site in a forward direction.
  - (c) The cost of all traffic management works shall be borne by the Applicant.
  - (d) No trucks associated with the approved works are permitted to park or stand on public roadways.
  - (e) Gates shall be closed between vehicle movements.
  - (f) Movement of trucks to and from the site shall be staggered so as to limit access and egress during peak traffic periods.
  - (g) The Contractor shall make provision for safe, continuous movement of traffic and pedestrians in public roads and private roads accessible to the public and erecting traffic warning signs conforming to the Roads and Traffic Authority's General Specifications (RTA Spec. Part G10 "Control of Traffic" and RTA Spec. 3355). Any traffic control situation is to be carried out only by flagmen with certification that they have been trained in accordance with Australian Standard 1742.3 – 2002.

**Approved Plans to be On-site**

- D17. A copy of the approved and certified plans, specifications and documents incorporating conditions of approval shall be kept on the site at all times and shall be readily available for perusal by any officer of the Department or Council.

**Historical Archaeological Items**

- D18. If any unidentified historical archaeological remains or deposits are exposed during the works, excavation is to cease immediately in the affected areas and an archaeologist is to undertake an evaluation of the potential extent and significance of such relics. The Heritage Council is to be notified in accordance with section 146 of the NSW Heritage Act, 1977.

- D19. An Aboriginal Sites Officer shall be advised of the proposed excavation timetable and be invited to be present on site during excavation works.

- D20. Should any Aboriginal relics or artefacts be discovered during the course of any works on-site, then work is to cease immediately. Work may only be resumed following written consent being obtained from the Office of Environment and Heritage,

**Excavated Material**

- D21. Any excavated material to be removed from the site being assessed, classified, transported and disposed of in accordance with the EPA's Guidelines: Assessment, Classification and Management of Liquid and Non-Liquid Wastes.

**Imported Fill**

- D22. Any imported fill onto the site being validated to ensure its suitability for the proposed land use from a contamination perspective. Imported fill is to be certified that it is not contaminated, based upon analysis or the known past history of the site from which it is obtained.

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**PART E – PRIOR TO OCCUPATION / PRIOR TO OPERATIONS****Workplace Travel Plan**

- E1. Prior to occupation of the building, a Workplace Travel Plan and Transport Access Guide are to be submitted to the Department of Planning & Infrastructure for approval.

**Noise Control – Plant and Machinery**

- E2. Prior to occupation of the building a report is to be prepared by a qualified acoustic engineer confirming that the installation and performance of the mechanical systems complies with:
- (a) the Building Code of Australia;
  - (b) Australian Standard AS1668 and other relevant codes;
  - (c) the project approval and any relevant modifications; and
  - (d) any dispensation granted by the New South Wales Fire Brigade.
- The report shall also demonstrate that the recommendations of the *Shoalhaven Regional Cancer Care Centre – DA Acoustic Assessment Report* prepared by Norman Disney & Young, 16 June 2011 have been incorporated into the design and installed to mitigate noise impacts.

**Fire Safety Certificate**

- E3. A Fire Safety Certificate shall be obtained for all the Essential Fire or Other Safety Measures forming part of this approval prior to occupation of the building. A copy of the Fire Safety certificate must be submitted to the relevant authority and Council.

**Structural Inspection Certificate**

- E4. A Structural Inspection Certificate for any structural work is to be obtained prior to occupation of the building.

**Road and Services Damage**

- E5. The cost of repairing any damage caused to Council or other Public Authority's assets in the vicinity of the subject site as a result of construction works associated with the approved development, is to be met in full by the Applicant prior to the occupation of the building.

**Waste Management**

- E6. Prior to occupation of the building the Applicant must ensure that waste handling works have been completed in accordance with a Waste Management Plan and/or Trade Waste Agreement as approved by the Department; other relevant approval conditions; and any relevant Council policy.

**Food Preparation Premises**

- E7. The fit-out of any food preparation premises shall be carried out in accordance with "The National Code for the Construction and Fit-out of Food Premises" any relevant Australian Standards and the provisions of the Building Code of Australia. Prior to the issue of an Occupation Certificate, Council's Health and Building Compliance Unit shall be notified in writing that the premises will be used for the preparation, manufacture and/or storage of food for sale.

**Lighting and Signage**

- E8. Lighting and signage are to be detailed prior to occupation and comply with AS/NZ1158.3: 1999 Pedestrian Area (Category P) Lighting and AS4282: 1997 Control of the Obtrusive Effects of Outdoor Lighting.

**Landscaping Works**

- E9. Landscaping works shall be carried out in accordance with the concept plans approved as part of this consent and identified as Drawing SC-L100-RevF, dated 23 January 2012

**General Operation**

- E10 An operational environmental management plan will be finalised prior to the opening of the hospital to the public. The plan will address, but will not be limited to, the following matters:

- Protection of flora and fauna and minimisation of anti-social behaviour,
- Visitor safety,
- Site security,
- Noise management,
- Traffic and pedestrian management,
- Storage of materials,
- Emergency and evacuation procedures,
- Fire safety,
- Waste management and ESD initiatives,
- Lighting,
- Signage.

The owner shall submit to Council an Annual Fire Safety Statement, each 12 months after the final safety certificate was issued. The certificate shall be on, or to the effect of, Council's Fire Safety Statement (copy attached).

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**PART F – DURING OPERATIONS****Annual Fire Safety Certificate**

- F1. An annual Fire Safety Statement must be given to Council and the NSW Fire Brigade commencing within 12 months after the date on which the initial Interim/Final Fire Safety Certificate is issued. This must ensure that the essential services installed in the building for the purpose of fire safety have been inspected and at the time of inspection are capable of operating to the required minimum standard.

**Noise Control – Operational**

- F2. The use of the premises shall not cause a nuisance, or an offensive noise as defined in the *Protection of the Environment Operations Act 1997*, to adjoining properties or the public.

**Noise Control – Vehicles, Plant and Machinery**

- F3. In order to achieve reasonable noise levels associated with the development, the operation of any vehicles, plant, machinery or other equipment on the site, shall comply with the following:
- No machinery or equipment shall result in the transmission of "offensive noise" as defined in the *Protection of the Environment Operations Act 1997* to any place of different occupancy;
  - No loading or delivery vehicles shall service the centre between the hours of 10:00pm and 7:00am Monday to Saturday and 10:00pm and 8:00am Sunday and Public Holidays;
  - A sound pressure level at any affected residential property shall not exceed the background (LAeq, 15 minute) noise level by more than 5dB(A). The background noise level must be measured in the absence of noise emitted from the premises;
  - The noise limits for the development are outlined in the following Table below.

| TYPE OF RECEIVER                                           | NOISE LEVEL<br>dB re $\mu$ Pa                                                            |                           |                                                                                                 |
|------------------------------------------------------------|------------------------------------------------------------------------------------------|---------------------------|-------------------------------------------------------------------------------------------------|
|                                                            | DAYTIME<br>Monday-Saturday<br>07:00 to 18:00<br>Sunday/Public Holidays<br>08:00 to 18:00 | EVENING<br>18:00 TO 22:00 | NIGHT TIME<br>Monday-Saturday<br>22:00 to 07:00<br>Sunday/Public<br>Holiday<br>22:00 to 08:00am |
| Intrusive Assessment<br>LAeq,15min<br>Residential Premises | 43                                                                                       | 41                        | 37                                                                                              |
| Amenity Assessment<br>LAeq, Period<br>Residential Premises | 55                                                                                       | 45                        | 40                                                                                              |

For the purposes of determining the noise generated at the premises:

- a) A minimum level of 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

#### **Loading and Unloading**

- F4. All loading and unloading, including deliveries to and from the site in connection with the use must be carried out within the site in a manner so as not to cause inconvenience to the public or detrimentally impact the amenity of the locality.

#### **Unobstructed Driveways and Parking Areas**

- F5. All driveways and parking areas shall be unobstructed at all times. Driveways and car spaces shall not be used for the manufacture, storage or display of goods, materials or any other equipment and shall be used solely for vehicular access and for the parking of vehicles associated with the use of the premises.

## ADVISORY NOTES

### Stormwater Drainage Works or Effluent Systems

AN1. Works that involve water supply, sewerage and stormwater drainage work or management of waste as defined by Section 68 of the Local Government Act, 1993 require separate approval by Council under Section 68 of that Act. Applications for these works must be submitted on Council's standard Section 68 application form accompanied by the required attachments and the prescribed fees.

### Long Service Levy

AN2. Prior to certification of any Crown building works, payment of the long service levy under section 34 of the *Building and Construction Industry Long Service Payment Act 1986* must be paid (or, where such a levy is payable by instalments, the first instalment of the levy).

### Use of Mobile Cranes

AN3. The Applicant shall obtain all necessary permits required for the use of mobile cranes on or surrounding the site, prior to the commencement of works. In particular, the Applicant shall ensure the following matters are complied with:

- (a) for special operations including the delivery of materials, hoisting of plant and equipment and erection and dismantling of on site tower cranes which warrant the on street use of mobile cranes, permits must be obtained from Council:
  - at least 48 hours prior to the works for partial road closures which, in the opinion of Council will create minimal traffic disruptions; and
  - at least 4 weeks prior to the works for full road closures and partial road closures which, in the opinion of Council, will create significant traffic disruptions;
- (b) the use of mobile cranes must comply with the approved hours of construction and shall not be delivered to the site prior to 7.30am without the prior approval of Council.

### Movement of Trucks Transporting Waste Material

AN4. The Applicant shall notify the NSW Transport - Roads and Maritime Services of the truck route(s) to be followed by trucks transporting waste material from the site, prior to the commencement of the removal of any waste material from the site.

### Disability Discrimination Act

AN5. This application is to comply with the Disability Discrimination Act 1992. The proponent/owner is responsible to ensure compliance with this and other anti-discrimination legislation. The Disability Discrimination Act 1992 covers disabilities not catered for in the minimum standards called up in the Building Code of Australia which references AS 1428.1 - Design for Access and Mobility. AS1428 Parts 2, 3 & 4 provides the most comprehensive technical guidance under the Disability Discrimination Act 1992 currently available in Australia.

### Temporary Structures

AN6. A Barricade/Hoarding Permit must be obtained prior to the commencement of construction works from the relevant Authority. The permit application must be supported by a report detailing compliance with the provisions of the Building Code of Australia.

Structural certification from an appropriately qualified practicing structural engineer must also be submitted to the relevant Authority to certify the structural adequacy of the design of the temporary Barricades/Hoarding.

### Commonwealth Environment Protection and Biodiversity Conservation Act 1999

AN7. The Commonwealth Environment Protection and Biodiversity Conservation Act 1999 provides that a person must not take an action which has, will have, or is likely to have a significant impact on a matter of national environmental significance (NES) matter; or Commonwealth land, without an approval from the Commonwealth Environment Minister.

This application has been assessed in accordance with the New South Wales Environmental Planning & Assessment Act, 1979. The determination of this assessment has not involved any assessment of the application of the Commonwealth legislation. It is the Applicant's responsibility to consult Environment Australia to determine the need or otherwise for Commonwealth approval and you should not construe this grant of approval as notification to you that the Commonwealth Act does not have application. The Commonwealth Act may have application and you should obtain advice about this matter. There are severe penalties for non-compliance with the Commonwealth legislation.