ENVIRONMENTAL IMPACT STATEMENT

Warehouse and Distribution Centre

238 -258 Captain Cook Drive, Kurnell

PREPARED FOR
DICKER DATA

BBC
CONSULTING PLANNERS

ENVIRONMENTAL IMPACT STATEMENT

CONSTRUCTION OF A NEW WAREHOUSE AND DISTRIBUTION CENTRE WITH ANCILLARY OFFICE ACCOMMODATION, CAR PARKING, VEHICULAR ACCESS, UTILITIES, LANDSCAPING, AMENITIES, RELATED WORKS AND SUBDIVISION

238-258 CAPTAIN COOK DRIVE, KURNELL

Prepared for

Dicker Data Pty Ltd

By
BBC Consulting Planners

May 2018

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Abbreviations

ACHMP	Aboriginal Cultural Heritage Management Plan
AEP	Annual Exceedance Probability
AHD	Australian Height Datum
APZ	Asset Protection Zones
ARI	Annual Recurrence Interval
AS	Australian Standard
ASS	Acid sulphate soils
ASSMP	Acid Sulphate Soil Management Plan
AASS	Actual acid sulphate soils
Background noise level	The ambient sound-pressure noise level in the absence of the sound under investigation exceeded for 90% of the measurement period. Normally equated to the average minimum A-weighted sound pressure level.
BAM	Biodiversity Assessment Methodology
BDAR	Biodiversity Development Assessment Report
BOS	Biodiversity Offset Strategy
CEMP	Construction Environmental Management Plan
CIV	Capital Investment Value
Cumulative impacts	Impacts that, when considered together, have different and/or more substantial impacts than a single impact assessment considered alone.
DPE	NSW Department of Planning and Environment
Drainage	Natural or artificial means for the interception and removal of surface or subsurface water.
EEC	Endangered Ecological Community
EIS	Environmental Impact Statement
EP&A Act	NSW Environmental Planning and Assessment Act 1979
EP&A Regulation	Environmental Planning and Assessment Regulation 2000
EPA	NSW Environment Protection Authority
EPBC Act	Commonwealth Environment Protection and Biodiversity Conservation Act 1999
ESCP	Erosion and Sediment Control Plan
ESD	Ecologically Sustainable Development
GFA	Gross Floor Area
LALC	Local Aboriginal Land Council
LEPs	Local environmental plans
LGA	Local government area
LoS	Level of Service
MNES	Matters of National Environmental Significance

OEH	Office of Environment and Heritage NSW
PASS	Potential acid sulphate soils
PMF	Probable Maximum Flood
RAP	Remediation Action Plan
Responsible person	the applicant or proponent responsible for preparing this EIS
RL	Reduced Level
RMS	NSW Roads and Maritime Services
RNP	Road Noise Policy
SEARs	Secretary's Environmental Assessment Requirements
SEPP	State Environmental Planning Policy. A state level environmental planning instrument
SSD	State Significant Development
Surface water	Water flowing or held in streams, rivers and other wetlands in the landscape.
TEC	Threatened Ecological Community

STATEMENT OF VALIDITY

Name:	Dan Brindle
Qualifications:	BEcon; DipAgEcon; MSc (Urban and Regional Planning); MPIA
Address:	Level 2 55 Mountain Street, Broadway NSW 2007

I declare that I have prepared the contents of this EIS and to best of my knowledge:

- it has been prepared in accordance with Schedule 2 of Environmental Planning and Assessment Regulation 2000;
- it contains all available information that is relevant to the environmental assessment of the development to which this EIS relates; and
- the information contained in this report is neither false nor misleading.

BBC Consulting Planners

Dan Brindle
Director

9 May 2018

I. COMPLIANCE WITH SECRETARY'S ENVIRONMENTAL ASSESSMENT REQUIREMENTS

BBC Consulting Planners, on behalf of Dicker Data Pty Ltd, made a request for Secretary's Environmental Assessment Requirements ("SEARs") on 31 July 2017, pursuant to Clause 3, Schedule 2 of the Environmental Planning and Assessment Regulation 2000 ("EP&A Regulation"). The request was made for works proposed under this development application.

SEARs for the EIS were issued by the Department of Planning and Environment on 11 September 2017 and amended on 18 January 2018.

The SEARs are set out below in Table 1 and addressed in various sections of the EIS and the accompanying appendices. A complete copy of the SEARs is included in full at **Appendix 1**.

Table 1: Secretary's Environmental Assessment Requirements

Requirement	Where Addressed
General requirements	
The Environmental Impact Statement ("EIS") for the development must meet the form and content requirements in clauses 6 and 7 of Schedule 2 of the Environmental Planning and Assessment Regulation 2000. In addition, the EIS must include:	Statement of Validity
• a detailed description of the development, including: – the need for the proposed development; – justification for the proposed development; – likely staging of the development; – likely interactions between the development and existing, approved and proposed operations in the vicinity of the site; and – plans of any proposed building works; • consideration of all relevant environmental planning instruments, including identification and justification of any inconsistencies with these instruments; • a risk assessment of the potential environmental impacts of the development, identifying the key issues for further assessment; • a detailed assessment of the key issues specified below, and any other significant issues identified in this risk assessment, which includes: – a description of the existing environment, using sufficient baseline data; – an assessment of the potential impacts of all stages of the development, including any cumulative impacts, taking into consideration relevant guidelines, policies, plans and statutes; and – a description of the measures that would be implemented to avoid, minimise, mitigate and if necessary, offset the potential impacts of the development, including proposals for adaptive management and/or contingency plans to manage significant risks to the environment; and • a consolidated summary of all the proposed environmental	This EIS and its appendices.

Requirement	Where Addressed
management and monitoring measures, highlighting commitments included in the EIS.	
The EIS must also be accompanied by a report from a qualified quantity surveyor providing: • a detailed calculation of the capital investment value (CIV) of the proposal as defined in clause 3 of the Environmental Planning and Assessment Regulation 2000, including details of all components of the CIV; • an estimate of the jobs that will be created by the development during the construction and operational phases of the development; and • certification that the information provided is accurate at the date of preparation.	Appendix 18
Key Issues	
• **Strategic and Statutory Context** - including: – detailed justification for the proposal and the suitability of the site; and – demonstration that the proposal is generally consistent with all relevant planning strategies, environmental planning instruments, development control plans (DCPs).	Section 5
• **Traffic and Transport** - including: – a Traffic Impact Assessment detailing all daily and peak traffic and transport movements likely to be generated (vehicle, pedestrian and cycle trips) during construction and operation of the development, including a description of vehicle access routes and the impacts on nearby intersections; – an assessment of predicted impacts on road safety and the capacity of the road network to accommodate the development; – plans of any road upgrades or new roads required to service the development, if necessary; – an assessment of the adequacy of public transport to meet the likely future demand of the proposed development; – detailed plans of the proposed layout of parking provision on-site in accordance with the relevant parking codes and Australian Standards; details of service vehicle access, delivery and loading arrangements and estimated service vehicle movements including vehicle type and the likely arrival and departure times; and – details of the likely dangerous goods to be transported on arterial and local roads to/from the site, if any, and the preparation of an incident management strategy, if relevant.	Sections 2.10, 3.8, 6.2 and Appendix 21
• **Urban Design and Visual -** including: – layout of the development including staging, site	Sections 3.2, 3.10, 3.15, 5, 6.1.

Requirement	Where Addressed
coverage, setbacks, proposed open space and landscaped areas; – suitable landscaping incorporating endemic species; – the layout and design of the development having regard to the surrounding vehicular, pedestrian and cycling networks; – a detailed description (including photomontages and perspectives) of the facility (buildings and storage areas) including height, colour, scale, bulk, building materials and architectural treatments and finishes, signage, lighting and any retaining walls, particularly from nearby public receivers and significant vantage points within the broader public domain; – provision of a report that assesses compliance with the requirements of *AS4282-1997 - Control of the obtrusive effects of outdoor lighting;* and – proposed cut and fill works associated with the development, if relevant.	
• **Contamination** – including - a detailed assessment of the extent and nature of any contamination of the soil, groundwater and soil vapour; - an assessment of potential risks to human health and the environmental receptors in the vicinity of the site; - a description and appraisal of any mitigation and monitoring measures; and; - consideration of whether the site is suitable for the proposed development.	Section 2.7, 5.6.4, 6.3, Appendix 4A and 4B
• **Soils and Water** – including: - a description of the water demands and a breakdown of water supplies; a description of the measures to minimise water use; - a detailed water balance; - an assessment of any volumetric water licensing requirements; - a description of all wastewater generated on-site and consideration of options to avoid and/or minimise discharge from the site; - a description of the proposed erosion and sediment controls during construction and operation; - a description of the surface and stormwater management system, including on-site detention, measures to treat or re-use water and the potential impact of flooding on this system; - an assessment of potential surface and groundwater impacts associated with the development; - a description of the nature and degree of any likely impacts that the proposed development may have on the receiving environment;	Section 2.5, 2.6, 3.9, 3.17, 6.4, 6.6, Appendices 5,10, 13 and 19

Requirement	Where Addressed
- an assessment of the impact of flooding on the proposed development including but not limited to the full range of flood events up to the probable maximum flood; - an assessment of the impact of the proposed development on flood behaviour; and - details of impact mitigation, management and monitoring measures.	
• **Waste** – including: - details relating to any stockpiled fill material present at the site and potential options for reuse on-site (where appropriate); - details of the quantities and classification of all waste streams to be generated on-site; - details of all wastewater to be generated on-site; details of any proposed sewage treatment; - details of waste storage, handling and disposal; and - details of the measures that would be implemented to ensure the development is consistent with the aims, objectives and guidance in the *NSW Waste Avoidance and Resource Recovery Strategy 2014-2021*.	Sections 3.20, 6.5, Appendices 15 and 16
• **Biodiversity** – including: - a detailed survey showing all existing trees, including along the boundaries of/with adjoining properties; and - an assessment and documentation of the biodiversity impacts, including on groundwater dependent ecosystems, related to the development in accordance with the Biodiversity Assessment Method and documented in a Biodiversity Development Assessment Report in the form required by section 6.12 of the *Biodiversity Conservation Act 2016*, section 6.8 of the Biodiversity Conservation Regulation 2017.	Section 2.8, 6.6, Appendix 5
• **Heritage** – including: - an assessment of the impact of the proposed development on any items listed the State Heritage Register under the Heritage Act 1977; - a historical archaeological assessment prepared in accordance with the Heritage Division, Office of Environment and Heritage Guidelines 'Assessing Significance for Historical Archaeological Sites and 'Relics' 2009; and - an Aboriginal heritage assessment.	Section 2.11, 2.12, 6.7, Appendices 7 and 8
• **Noise and Vibration** – including:	Section 6.8 and Appendix 20

Requirement	Where Addressed
- a description of all potential noise and vibration sources during the construction and operational phases of the development, including any off-site traffic noise and external mechanical plant; - an assessment of all construction, operational and transportation noise and vibration impacts, including impacts upon nearby sensitive receivers; - consideration of the cumulative noise impact of the proposed development in accordance with the relevant Environment Protection Authority guidelines ; and - details of noise mitigation, management and monitoring measures.	
• **Acid Sulfate Soil** – including an Acid Sulfate Soil Assessment which assess the acid sulfate soil status of the site and advises whether an Acid Sulfate Soil Management Plan will be required.	Section 2.6, 6.10 and Appendix 3
• **Bush Fire Management** – including a bushfire assessment report.	Section 2.9. 6.11 and Appendix 6
• **Emergency Response** – including details regarding systems and procedures to deal with all types of emergencies.	Section 3.21 and Appendix 17
• **Air Quality** – including: - an assessment of the air quality impacts (particularity dust) at private properties during construction and operation of the development, in accordance with relevant Environment Protection Authority guidelines; and - details of any mitigation, management and monitoring measures required to prevent and/or minimise emissions.	Section 6.12
• **Infrastructure Requirements** – including: - a detailed description of the infrastructure and essential services required for the development; - identification of any infrastructure upgrades required off-site to facilitate the development, and describe any arrangements to ensure the upgrades will be implemented in a timely manner and maintained; and - a detailed description of cooling/heating systems to be installed on-site.	Section 3.17, 6.13, Appendices 13 and 14
• **Socio-Economic** – including an analysis of the economic and social impacts of the development, particularly of any benefits to the community.	Section 6.14

Requirement	Where Addressed
• **Contributions** – including: - Consideration of Council's Section 94/94A Contribution Plan and/or details of any Voluntary Planning Agreement.	Section 6.15
Plans and Documents	
The EIS must include all relevant plans, architectural drawings, diagrams and relevant documentation required under Schedule 1 of the Environmental Planning and Assessment Regulation 2000. Provide these as part of the EIS rather than as separate documents.	Volume of Drawings
Consultation	
During the preparation of the EIS, you must consult with the relevant local, State or Commonwealth Government authorities, service providers, community groups and affected landowners. In particular, you must consult with: • Environment Protection Authority; • Office of Environment and Heritage; • Roads and Maritime Services; • Department of Primary Industries; • Water NSW; • Rural Fire Services; • SafeWork NSW; • Sydney Water; • Ausgrid; • Sutherland Shire Council; and • local residents and stakeholders . The EIS must describe the consultation process and the issues raised, and identify where the design of the development has been amended in response to these issues. Where amendments have not been made to address an issue, a short explanation should be provided.	Section 4

II. EXECUTIVE SUMMARY

Project Overview	Construction of a new warehouse and distribution centre with ancillary office accommodation, car parking, vehicular access, utilities, landscaping, amenities, related works and subdivision
Address	238-258 Captain Cook Drive, Kurnell NSW 2231
Site	Lot 1 in DP 225973, Lot 2 in DP 1068703, and Lot 1 in DP 1077972 (affected by boundary adjustment)
Site Ownership	Dicker Data limited
Capital Investment Value	$77.2 Million
Employment	350 construction jobs 548 Operation Jobs
Planning Process	State significant development
Environmental Impact Statement	This EIS accompanies a development application for consent for the construction of a new warehouse and distribution centre and other associated works. It describes the site and its context and provides details of the proposed development. The EIS carries out an environmental assessment of the project as required by the Environmental Planning and Assessment Act 1979 including the Secretary's environmental assessment. It has been prepared in accordance with, and meets the minimum requirements of, clauses 6 and 7 of Schedule 2 of the Environmental Planning and Assessment Regulation 2000 (the EP&A Regulation) The development demonstrates consistency with prevailing statutory planning instruments at the State and local levels. An assessment of the impacts of the development indicates that:
Summary of Impacts:	**Transport and accessibility** Estimates of traffic generation during construction and operation have been made and the performance of the road network assessed. Parking is provided on site to meet expected need and access has been provided for service vehicles. **Built form and urban design** The development has been designed to achieve consistency with the development principles of the LEP and DCP in relation to building height, FSR and setbacks and has a building height and gross floor area less that that envisaged under the controls. Buildings have been designed in an industrial vernacular with the office component oriented to the street to provide a visually appealing presentation to the street. This is supported by extensive landscaping within the 20 metre setback. **Visual impacts** The development is consistent with the industrial character of the area

and would make a positive contribution to the streetscape through transforming an underutilised site through the siting and design of the facility and its landscaping. Mitigation measures include the built form and urban design characteristics of the development and the proposed landscaping. External lighting has been designed to minimise light spill.

Contamination

A Remediation Action Plan has been prepared which, when implemented, will ensure that the site is suitable for the proposed use.

Sediment, erosion and dust control

Erosion and sediment control plans have been prepared for implementation during construction. Dust control measures would be included in construction management plans for the site.

Water sources

Measures for managing stormwater on the site are proposed to ensure that potential for any off-site impacts on surface or groundwater quantity or quality or associated landowner rights would be minimal.

Drainage and flooding

The overall stormwater management concept is to ensure that post development stormwater runoff volume and peak rate of flow from the site complies with Council requirements.

The site is flood prone and is unlikely to be affected by sea level rises or increases in rainfall intensity associated with climate change. Contingency measures for site access and management during times of flood would be developed and incorporated into emergency response plans. Building floor levels will be above the flood planning level.

Waste

Measures are proposed to manage waste during construction and operation. Wastewater would be conveyed to sewer with no treatment on site. Stockpiled material on site will be used in the development.

Biodiversity

A total of 6.6 hectares of native vegetation was recorded within the study area representing three TECs. Avoidance of impacts to native vegetation, threatened ecological communities and threatened species habitat have been undertaken to restrict proposed impacts to 1.2 hectares of non-threatened and degraded coastal heath vegetation at the rear of the site. No threatened species, or high quality habitats, were recorded within the study area during field investigation undertaken in accordance with the BAM. The vegetation integrity score of the vegetation to be impacted has been calculated as 5.8, and as such, in accordance with Section 10.3 of the BAM, offsets are not required for the proposed development. No Matters of National Environmental Significance are likely to be impacted by the proposed development and as such, a referral of the project to the Commonwealth is not required.

Aboriginal Heritage

An Aboriginal Cultural Heritage Assessment Report has been prepared

reporting on the results of investigations into the cultural significance of the site. The evidence of the Aboriginal occupation of the subject land is limited in extent and concentration. It is of low archaeological significance, but retains significance to the local Aboriginal community as part of the broader Aboriginal landscape of the Kurnell peninsula. Known or potential Aboriginal objects are restricted to the northern quarter of the site. Impact on this area is minimised by the location of the development and the restricted amount of development in this area. The proposed management of Aboriginal heritage within the scope of the current proposal will involve a combination of archaeological monitoring and possible archaeological salvage excavation where warranted. These procedures, as well as an unexpected finds protocol are to be compiled in an Aboriginal Heritage Management Plan (AHMP) that will form part of construction documentation for the project as a condition of development consent.

Environmental amenity

Acoustic impacts

There will no significant acoustic impacts of the proposed development given the nature of the use and the separation distances to residential and other industrial uses. Increases in noise were found to be found to be within acceptable limits and nearby receptors. This is due largely to the separation between the construction zone and the buildings and nearby residences.

Lighting Impacts

The lighting consultant concludes that there will be no obtrusive spill lighting that will have a detrimental impact on the neighbouring properties.

Acid Sulfate Soils

Assessment of the ASS screening test results against the relevant action criteria indicates that AASS or PASS are not present within 2 m of the current ground surface levels. As such, an ASSMP will not be required for excavation activities within the upper 1 m of the soil profile on the site.

Bushfire

Bushfire protection measures have been incorporated into the design of the development to manage bushfire risk.

Ecologically sustainable development

The EIS identifies how ESD principles have been incorporated into the development. A number of initiatives to minimise consumption of resources, water and energy have been factored into project design documentation and planning for project delivery and operations.

Utilities

All required utilities are available to the site to meet the needs of thee development.

Staging

The development will be constructed in two stages

Socio-Economic Impacts

The social and economic impacts of the development will be positive as a result of the additional jobs proposed and the more efficient use of vacant zoned industrial land.

Contributions

Council's S94A Contributions Plan applies to the site.

Conclusion

This EIS assesses the potential environmental, social and economic impacts, both direct and cumulative, have been identified and assessed as part of this EIS.

The assessment concludes that no significant environmental impacts have been identified as a result of the development. It is considered that any potential impacts can be satisfactorily mitigated through a range of measures that have been identified within the EIS.

In addition, the development is considered to be consistent with relevant Government policies and strategies.

It is considered that the development is in the public interest and warrants approval.

1. INTRODUCTION

1.1 General

This Environmental Impact Statement ("EIS") has been prepared to support a Development Application ("DA") for State significant development ("SSD") lodged to the Department of Planning and Environment ("DPE") pursuant to Section 4.12(8) of the Environmental Planning and Assessment Act 1979 ("the EP&A Act") for the construction of a new warehouse and distribution centre with ancillary office accommodation, car parking, vehicular and pedestrian access, utilities, stormwater drainage, landscaping, amenities, and other related works ("the proposal") at Nos 238 – 258 Captain Cook Drive, Kurnell.

This Environmental Impact Statement has been prepared in accordance with relevant requirements of Clauses 6 and 7 of Schedule 2 of Environmental Planning and Assessment Regulation 2000 ("the Regulations"), and with the Secretary's Environmental Assessment Requirements ("SEARs") issued on 11 September 2017 and amended on 18 January 2018 (provided at **Appendix 1**).

1.2 Background to Dicker Data

Dicker Data Limited is an Australian owned and operated ASX listed distributor of computer hardware, software and related products. The business has almost 40 years' experience and sells products exclusively to approximately 5,000 resellers. It provides the warehousing and distribution of over 70 computer related brands. Dicker Data has been based in the Sutherland Shire since inception and is one of the major employers in the Shire and the Sydney basin. The company currently employ 291 full time staff in the current location at 230 Captain Cook Drive Kurnell. Dicker Data recognises the contribution the staff makes and endeavours to provide a friendly work environment that includes staff facilities and benefits to recognise the staff contribution such as a staff gym, daily lunch for each staff member, understanding of family requirements reflected in flexible work arrangements as necessary.

The proposal to develop a new home for Dicker Data at 238 Captain Cook Drive will see the staff numbers increase to 548 full time employees.

1.3 Justification and Need for the Proposed Development

Dicker Data currently owns and operates from an existing building on the adjoining site at 230 Captain Cook Drive, Kurnell. In order to accommodate an expansion of the business, Dicker Data is seeking to deliver additional facilities and amenities. The acquisition of the adjoining site (the land to which this application relates) provides an ideal opportunity to expand the business and continue to provide employment opportunities in Sutherland Shire through the construction of a new warehouse and distribution centre. The company is locally based with strong connections to Sutherland Shire; it is the preference of the business to remain operating in the local area. Consideration was given to expanding the existing facility; however this was unviable due to insufficient capacity to accommodate the desired expansion and having regard to environmental and site constraints.

1.4 Relationship to Existing Operations

Once the new facility is constructed, the existing site will be vacated and placed on the market for sale or lease. It is expected that the building and associated facilities would be used for a purpose permissible under relevant environmental planning instruments.

1.5 Approval Process

State Environmental Planning Policy (State and Regional Development) 2011 provides that development that has a capital investment value (CIV) of more than $50 million for the purpose of warehouses or distribution centres is State significant development. The proposal has a CIV of $77.2 million; therefore it is declared State significant development.

Section 4.12(8) of the EP&A Act requires that a development application for State significant development is to be accompanied by an environmental impact statement prepared by or on behalf of the applicant in the form prescribed by the regulations. The Minister for Planning (or a delegate) will be the consent authority for State significant development.

2. LOCATION AND SETTING

2.1 Site Analysis

A detailed analysis of the site and surrounding environmental context has been undertaken by the project team to inform the design of the proposal. The analysis of the site and its surrounding context, including environmental constraints, is described below and throughout the architectural plans, site survey and other documentation accompanying this application.

2.2 Site Characteristics

The land on which the development will be constructed is known as Nos 238 – 258 Captain Cook Drive, Kurnell (herein referred to as "the site") (see **Figure 1**). The site is positioned on the southern side of Captain Cook Drive approximately 20 kilometres south of the Sydney CBD, 7.5 kilometres northeast of Cronulla, and 1.5 kilometres southwest of the township of Kurnell. The site is located within Sutherland Shire Local Government Area.

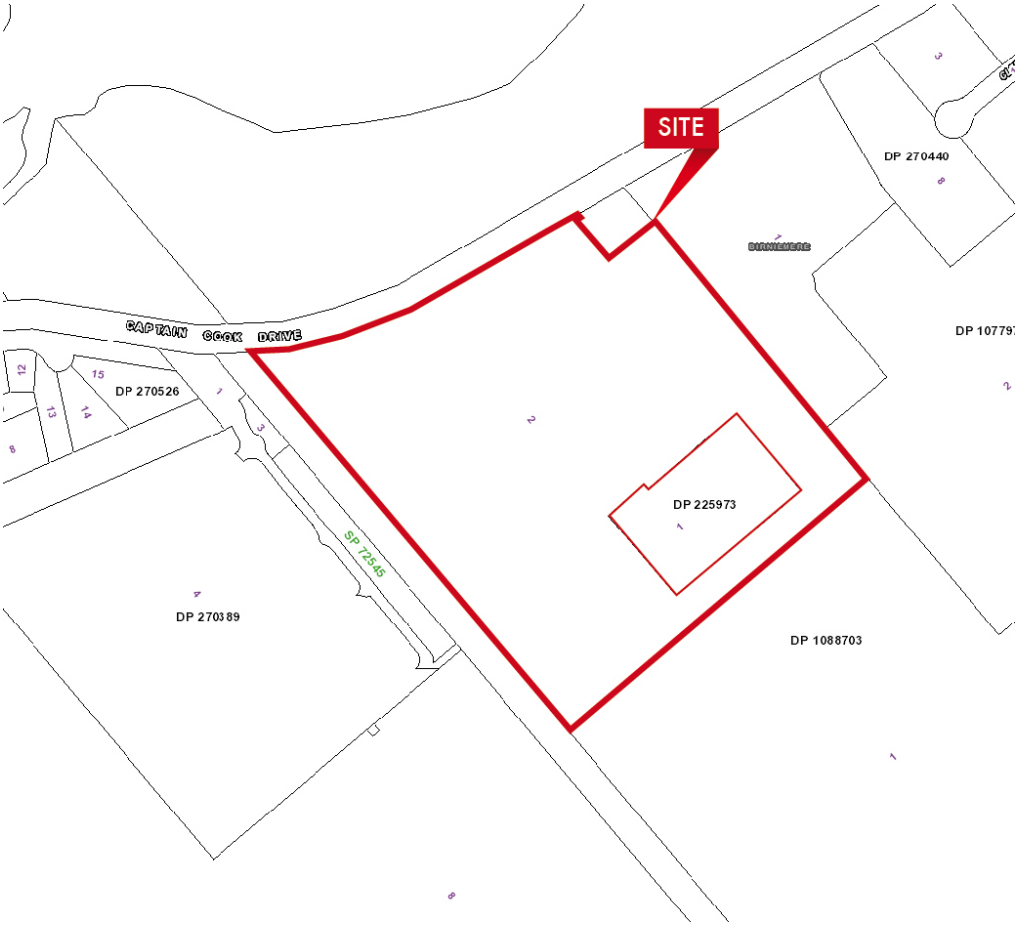
Figure 1: Site Location

2.3 Site Details

The development is to be located on Lot 1 in DP 225973, Lot 2 in DP 1088703 (see **Figure 2** and **Appendix 2**). The site is owned by Dicker Data Limited. The land to which the development application relates also includes the land to the north west of the site on which the existing Dicker Data facility is located. This comprises Lot 1 in DP 1077972.

The development application includes a boundary adjustment to include an existing car parking area currently on Lot 2 in DP 1088703 as part of Lot 1 in DP 1077972 (the former Dicker Data site). This plan of subdivision is included as **Appendix 2** in **Volume 2** of this EIS. Thus the proposed warehouse and distribution centre will be located on Lot 2012 in the proposed plan of subdivision of Lot 1 in DP 1077972, Lot 1 in DP 225973, and Lot 2 in DP 1088703 as shown in **Appendix 2** of **Volume 2**.

Figure 2: The Site



The site has a generally regular shape with an area of 16.9 hectares. It has a north-west facing (front) boundary to Captain Cook Drive of 338 metres, a north-east facing (side) boundary to No 230 Captain Cook Drive (the existing Dicker Data centre) of 449 metres, a south-east facing (rear) boundary to bushland of 401 metres, and a south-west facing (side) boundary to an unmade gravel dirt road of 505 metres.

2.4 Existing Site Improvements

Historical research indicates that the site was reclaimed from swampland in the early 1960s and developed by Abbott Australasia for the purposes of manufacturing healthcare products and pharmaceuticals (notably penicillin and codeine-based products). Buildings associated with the manufacturing uses were refurbished throughout the period of operation. Since the factory complex ceased operating in 2003, the site has remained largely vacant and the buildings and other substantial structures have been demolished.

In its current condition, the central portion of the site contains remnant structures generally associated with previous manufacturing industrial uses, including rubble, cleared land, metal and concrete slabs, paving, stockpiles, fences, parking areas and driveways. This portion of the site also contains scattered landscape plantings and native and exotic vegetation.

Aerial photography of the site and immediate surrounding context is provided at **Figure 3**.

Figure 3: Aerial Photo – Detail

The photographs below indicate particular features and views to and within the site.

Picture 1: Main Entry from Captain Cook Drive

Picture 2: Captain Cook Drive looking west

Picture 3: Captain Cook Drive looking east

Picture 4: Looking south from Captain Cook Drive

Picture 5: Dirt road along the sites western boundary

Picture 6: Car park within eastern portion of the site

2.5 Topography and Drainage

The site is relatively flat with a slight fall to the south west boundary into a broad strip of vegetation. There is a watercourse running south to north parallel to the western boundary. The historical industrial uses around the central portion of the site have disrupted the soil profiles and likely introduced foreign fill and enriched topsoil.

The closest down gradient natural water body is Quibray Bay (Part of Botany Bay), and is located approximately 500 metres north west of the site across Captain Cook Drive. Boat Harbour is located approximately 850m to the south of the site.

Further details of the site's topographical features are provided in the accompanying site survey prepared by Masters Surveying (**Appendix 1** of **Volume 2**).

The site is subject to flooding with the 1 in 100 year design storm event having a height of RL 3.3m AHD. Proposed buildings will be constructed above the flood planning level (to RL 3.7m AHD). Flooding characteristics of the site are described in the Flood Study Report accompanying the development application (**Appendix 19**).

2.6 Soils, Geology and Hydrogeology

The Wollongong 1:250,000 Geological sheet S1 56-9, second edition 1966, indicates that the site is located on alluvium, gravel, swamp deposits and sand dunes from the quaternary period. Previous reports also suggest the presence of sandstone bedrock in parts of the site.

The Australian Soil Resource Information System (ASRIS) and CSIRO Australia (www.asris.csiro.au), accessed on 1 May 2017, consider that the general soil type of the site comprises Podosol soils. Podosols of the Kurnell area are soils from ancient sand dunes. Characteristics of these soils include poor drainage and very high erosion potential when cleared.

In addition, a review of the ASRIS - Acid Sulphate Risk map identified that the site is located within an area of low probability of acid sulphate soil (ASS) occurrence, however the area surrounding the site was identified as a high probability of ASS occurrence. The Department of Land and Water Conservation (DLWC), 1: 250,000 Acid Sulfate Soil Risk Maps also identified the surrounding area as having a high probability of ASS occurrence.

A Supplementary Acid Sulphate Soil Investigation was conducted by Douglas Partners in 2015 (**Appendix 3**[1]). The investigation included the completion of 22 boreholes to 2 m bgl. Douglas Partners concluded that actual acid sulphate soil (AASS) or potential acid sulphate soil (PASS) are not present within 2 m of the current ground surface levels. As such, an ASSMP will not be required for excavation activities within the upper 1 m of the soil profile on the site. However, Douglas Partners referenced results from a previous DP investigation

[1] This report was prepared for a previous development proposal on the site. Its findings remain relevant to the proposed development.

which suggested that deeper excavations may encounter ASS. Additionally, dewatering below the level of excavation will also disturb ASS if present within the depth of dewatering.

Groundwater has been encountered in sands beneath the site at depths ranging from approximately 1.40 – 2.76 m below the surface level. Based on previous investigations, groundwater is considered to flow in a generally westerly direction towards Quibray Bay.

2.7 Contamination Status

As outlined in the Remediation Action Plan accompanying the development application (**Appendix 4**), site history suggests the site was reclaimed from swampland in the early 1960s before being developed in 1963 for the manufacturing of healthcare products (notably penicillin and codeine-based products) by Abbott Pharmaceuticals. Abbott Pharmaceuticals ceased production in approximately 2003 and the site has been used predominantly for administrative purposes since this time. Some leasing of portions of the Site occurred between 2012 and 2015 which included warehousing, fibreglass products manufacturing, equipment and materials storage yard for an earthmoving company and horse agistment.

The objectives of the RAP are to:

- Comply with the requirements of State Environment Planning Policy No. 55 – Remediation of Land;
- Develop and adopt a remediation strategy which is protective of human health and the environment and will render the site suitable for the anticipated future commercial /industrial end use;
- Highlight any data gaps which need to be addressed in order to successfully remediate and validate the site.

The strategy presented in this RAP is considered to be the most effective method to:

- Comply with the Environment Protection Authority (EPA) Contaminated Sites – Guidelines for Consultants Reporting on Contaminated Sites;
- Comply with the Managing Land Contamination Planning Guidelines SEPP55 – Remediation of Land;
- Minimise potential risks posed to human health and the environment; and
- Render the site suitable for the proposed commercial development.

2.8 Vegetation and Landscape Character

The central portion of the site contains grasses, trees and vegetation clusters interspersed around remnant structures and cleared material associated with previous industrial activity.

The fringes of the site contain a variety of native vegetation which is varied in composition and condition as a result of former industrial activity. The Biodiversity Development Assessment Report (BDAR) prepared by Biosis (see **Appendix 5**) maps existing biodiversity and vegetation within the site.

The vegetation community contains the following:

- Phragmites australis and Typha orientalis coastal fresh water wetlands of the Sydney Basin Bioregion;
- Swamp Mahogany swamp sclerophyll forest on coastal low lands of the Sydney Basin Bioregion and South East Corner Bioregion;
- Swamp Mahogany swamp sclerophyll forest on coastal low lands of the Sydney Basin Bioregion and South East Corner Bioregion;
- Swamp Oak swamp forest fringing estuaries, Sydney Basin Bioregion and South East Corner Bioregion;
- Swamp Oak swamp forest fringing estuaries, Sydney Basin Bioregion and South East Corner Bioregion;
- Bangalay - Old-man Banksia open forest on coastal sands, Sydney Basin Bioregion and South East Corner Bioregion;
- Coast Banksia - Coast Wattle dune scrub of the Sydney Basin Bioregion and South East Corner Bioregion;
- Planted natives and exotic grasses; and
- cleared vegetation.

The study identifies native vegetation extending along the south-west corner containing Freshwater Wetland and Swamp Sclerophyll Forest Endangered Ecological Communities. The southern boundary contains Coast Banksia with a pocket of Bangalay Sand Forest in the south-eastern corner. An area of Swamp Oak Forest lines the eastern boundary of the site.

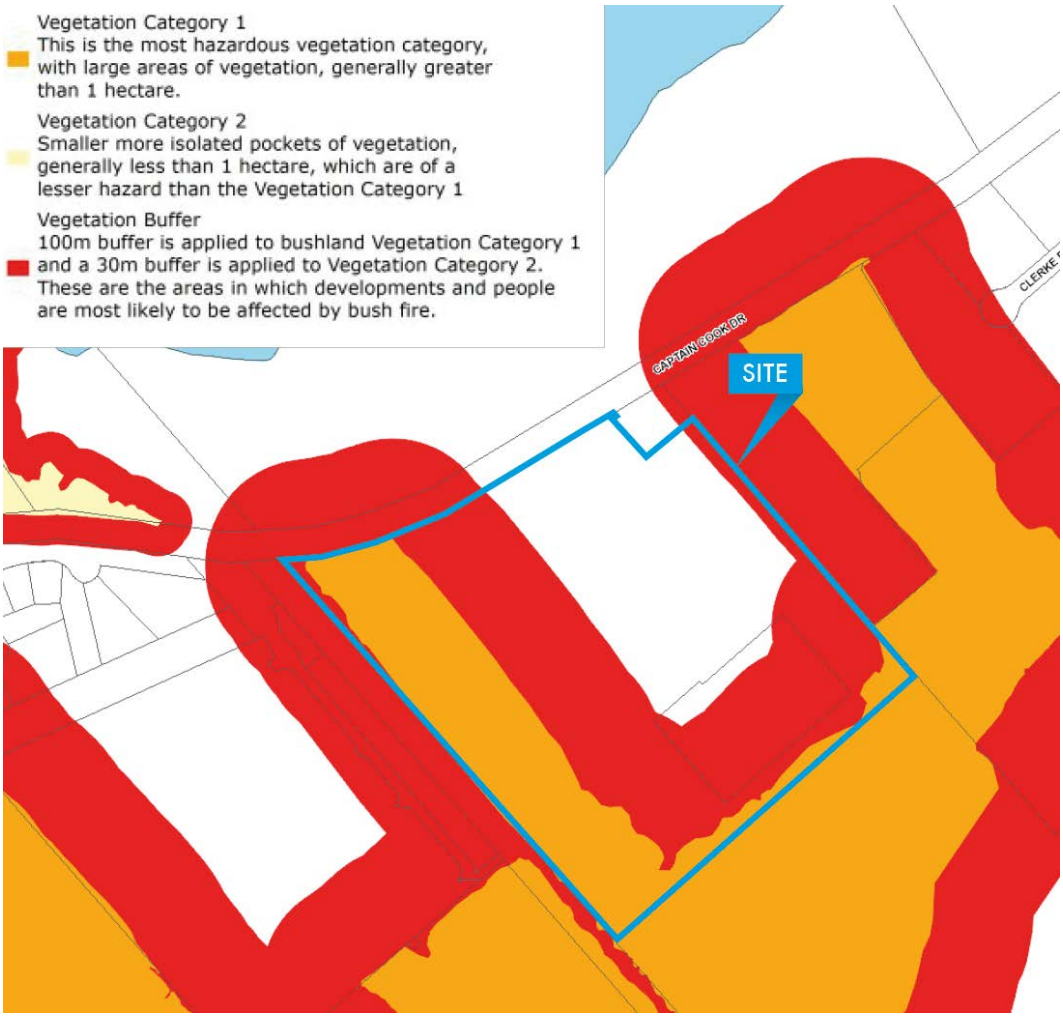
The vegetated outer perimeters of the site are mapped as part of the Towra Point Estuarine Wetland, which is identified as being in the Directory of Important Wetlands of Australia. The site is also located approximately 250 metres to the south to the Towra Point Nature Reserve which is a Ramsar wetland. Ramsar Wetlands are representative, rare or unique wetlands and are included on the list of Wetlands of International importance developed under the Ramsar Convention. They are listed under the Environmental Protection and Biodiversity Conservation Act 1999 ("EPBC Act") as matters of national environmental significance.

2.9 Bushfire

The Sutherland Shire Council Bushfire Prone Land Map indicates that the site contains bushfire prone land identified as 'Vegetation Category 2' and 'Vegetation Buffer' (see extract below). The buffer zone generally extends onto adjoining land to the southeast, southwest, and within the Towra Point Nature Reserve, to the northwest of Captain Cook Drive.

The bushfire risks have been assessed in the Bushfire Assessment accompanying the development application (**Appendix 6**) and measures are proposed to manage bushfire risk.

Figure 4: Extract from the Sutherland Bushfire Prone Land Map



2.10 Site Access and Parking

Primary vehicular access to the site is provided via an existing driveway from Captain Cook Drive (see **Picture 1**).

Bus stops are located along Captain Cook Drive; these are serviced by the No 987 bus route travelling between Cronulla Train Station to the west and Kurnell Public School to the east.

2.11 Aboriginal Archaeology

Mary Dallas Consulting Archaeologists has undertaken Aboriginal archaeological investigations on the site which resulted in the identification of Aboriginal archaeological remains within parts of the northern quarter of the subject land, equating with the extent of the former Quibray Bay foredune (see **Appendix 7**). Within this area, a low-density scatter of stone artefacts was located, and a small midden lens was present within one square, which lacked fish or animal bones as is commonly present elsewhere along the Kurnell

peninsula. No evidence of hearths or other site features was located during the test excavations. Several unworked pieces of red ochre were also retrieved from the site, and were clearly brought onto the site by Aboriginal people. A radiocarbon date obtained from this midden lens suggest the site was in use around 500 years ago, which accords well with other dated evidence along the peninsula.

The documented archaeological remains are almost entirely contained within a 30m (north-south) x 60m (east-west) area in the north-eastern corner of the subject land. The area in which the midden lens and majority of the Aboriginal archaeological remains were found can be considered to retain Moderate Archaeological Potential. It is likely that similar types and densities of archaeological remains are present across this area.

2.12 Heritage

The site does not contain any items of heritage significance and it is not located within a designated heritage conservation area (see **Appendix 8**). The site does not contain any vestiges of past use that have inherent historic heritage or historical archaeological value or significance, and consequently, there are no non-indigenous heritage impediments to the proposed data warehousing redevelopment being undertaken as envisaged.

2.13 Surrounding Context

The site is located approximately 7 kilometres south of Sydney Kingsford Smith Airport, 20 kilometres south of the Sydney CBD, 7.5 kilometres northeast of Cronulla, and 1.5 kilometres southwest of the township of Kurnell. It is within an established industrial precinct generally extending south of Captain Cook Drive. Surrounding industrial uses include a desalination plant, the Caltex Oil Refinery, 4WD parks, land fill, stockpiles, recently constructed recreation fields, film and television studios, and other traditional factory unit and warehouse uses.

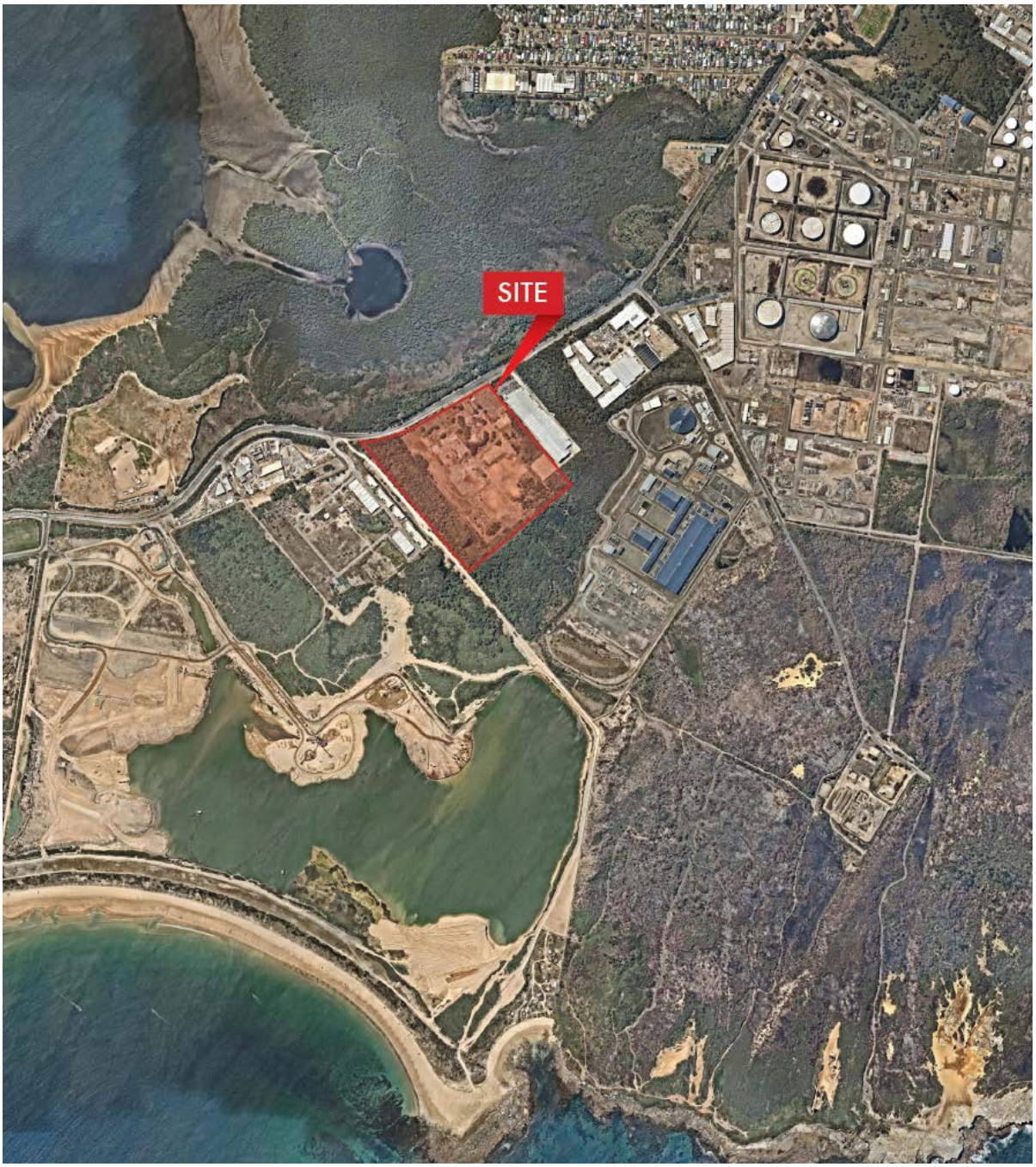
The northern boundary abuts Captain Cook Drive beyond which lies the Towra Point Nature Reserve, managed by NSW National Parks and Wildlife. This is protected under the Ramsar Convention and federal Environment Protection and Biodiversity Conservation Act 1999.

The southwest boundary of the site adjoins a private vehicle access driveway that leads to a 4WD park, commercial boat harbour, and collection of residential dwellings. An industrial subdivision development and building yard lies on the other side of the private access road.

The north east boundary of the site abuts an industrial site which currently accommodates the existing Dicker Data warehouse.

The south east boundary of the site adjoins a substantial vegetation buffer, beyond which lies the Sydney desalination plant.

Figure 5: Aerial Photography - Surrounding Context



The surrounding local context is also characterised by the Kamay Botany Bay National Park, the Boat Harbour Park, Cronulla State Park, and the Kurnell township.

3. THE DEVELOPMENT

3.1 Development Overview

Address	238-258 Captain Cook Drive, Kurnell
Site Description	Land to which the application relates is Lot 1 in DP 225973, Lot 2 in DP 1088703 and Lot 1 in DP1077972 (affected by boundary adjustment); The site of the proposed development is Lot 2012 in the proposed plan of subdivision of Lot 1 in DP 1077972, Lot 1 in DP 225973, and Lot 2 in D.P 1088703 as shown in **Appendix 2** of **Volume 2**.
Site Area	16.9 ha
Ownership	Dicker Data Limited
LGA	Sutherland Shire
Zoning	Zone IN1 (General Industrial)
Permissibility	Development for the purpose of a warehouse or distribution centre is permissible with consent
Development Summary	Construction of a new warehouse and distribution centre with ancillary office accommodation, car parking, vehicular access, utilities, landscaping, amenities, related works and subdivision.
CIV	The capital investment value is $77.2 million.

3.2 Description of the Development

3.2.1 Objectives of the Development

The primary objective of the development is to construct a high-quality warehouse and distribution centre which will be used for the purposes of storage and distribution of computer hardware, software and related products associated with Dicker Data's operations.

3.2.2 Nature of the Use

Dicker Data is an Australian owned and operated, ASX listed hardware distributor with over 40 years' experience. Dicker Data is a wholesale distribution company and does not provide any retail services or sales. Dicker Data Limited engages in the wholesale distribution of computer hardware, software, and related products in Australia and New Zealand. The company offers a product portfolio of various technology vendors, including HP, Cisco, Toshiba, ASUS, Lenovo, Microsoft, and other brands. Dicker Data Limited represents over 70 vendors and distributes these vendor products to approximately 5,000 resellers. The company was founded in 1978 and is based in Kurnell, Australia.

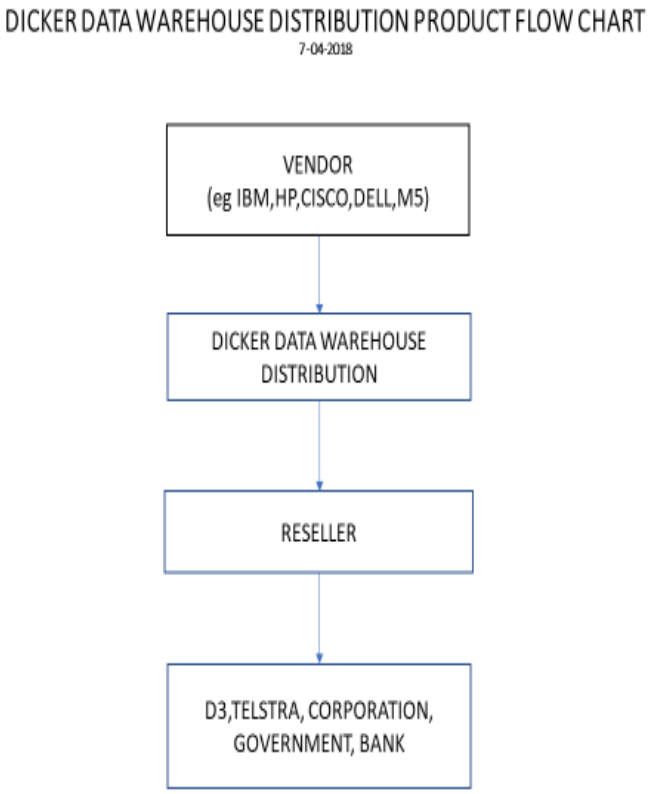
The Dicker Data warehouse and office go hand in hand and the model where the warehouse support has been collocated with the warehouse has been in place since the company's inception in 1978. The office provides the administration and sales support for the logistics distribution through the warehouse. The logistics/warehouse sales team have specialist

product knowledge and experience to assist resellers tailor their solutions to suit their clients/customer's needs.

Dicker Data's product portfolio comprises of leading technology vendors including HP, Cisco, Toshiba, ASUS, Lenovo, Microsoft and other tier 1 global brands. Currently positioned as the leading distributor for several of these vendors in Australia, Dicker Data has enjoyed continuous distribution growth. Dicker Data plans to continue this growth through proactive reseller enablement and expanding upon the success experienced with existing competitive strategies.

The Dicker Data warehouse receives and dispatches more than 4,500,000 products each year with more than 250,000 orders received and dispatched in a 12-month period.

The Dicker Data warehouse distribution product flow chart is indicated as follows:-



Dicker Data has been based in the Sutherland Shire since inception and is one of the major employers in the Shire and the Sydney basin. The company currently employ 291 full time staff in the current location at 230 Captain Cook Drive Kurnell. Dicker Data recognises the contribution the staff makes and endeavours to provide a friendly work environment that includes staff facilities and benefits to recognise the staff contribution such as a staff gym, daily lunch for each staff member, understanding of family requirements reflected in flexible work arrangements as necessary.

3.2.3 Design Principles/Rationale

The Dicker Data development has been designed to provide a sense of transparency and connection with the outdoor landscape. The ground plane glazed façade is fully operable, which blurs the line between outdoor and indoor connection. To emphasise the sense of arrival, a double height glazed portal 'hub' is recessed between two building elements which provide a dramatic juxtaposition between transparent and solid elements, emphasising the difference in intended use. The 'Hub' is a focal and central entry point for workers to congregate, highlighting the importance of connectivity and unity between the functional operations of the company. The permeable canopy structure which sails above the boardwalk entry, reflection pool and café, further solidifies the importance of unity, emphasising the strong link between both buildings.

3.2.4 Proposed Building

The proposed warehouse and distribution centre will comprise the following:-

Warehouse

- 39,485 sqm of warehouse space including service area;
- Two (2) forklift charging stations;
- Two (2) sets of male and female amenity facilities;
- A dock office;
- Twelve (12) roller shutter doors for warehouse distribution functions such as heavy vehicle loading and unloading with awning above; and
- Twenty (20) exit doors for pedestrian ingress and egress.

Office and Café

- 300 sqm café for use by staff and visitors;
- 5,950 sqm of office space ancillary to the warehouse and distribution centre constructed over three levels;
- Kitchen storage area;
- Staff gym area;
- Café outdoor seating area;
- Garage and service vehicle parking;
- Reception and lobby area connection to the ground level of the warehouse;
- Staff amenities;

Further details of the proposal are provided in the accompanying architectural drawings (**Appendix 3** of **Volume 2**).

3.2.5 Materials and Finishes

Details of the proposed external finishes are contained in the architectural drawings (**Appendix 3** of **Volume 2**). Wherever possible, finishes will be natural that are homogenous and do not require surface treatments or have a factory applied finish that will last the life time of the material.

The colour palette is low key and sensitive to the densely vegetated environment that the warehouse and distribution centre will be situated intermittently dispersed with similar industrial land uses. For example walls will be of a concrete finish with light weight metal cladding with vertical screen timber.

Doors and windows will be constructed of a mixture of clear and opaque glass dependant on their location within the warehouse and distribution centre.

3.2.6 Gross Floor Area and Floor Space Ratio

The proposed gross floor area (GFA) for each stage of the development is as follows:

Development Component	Stage	Proposed GFA (m^2)
Warehouse	Stage 1	22,900
	Stage 2	16,585
Office	Stage 1	3,980
	Stage 2	1,970
Other	Stage 1	925 (café, gym, lobby, amenities)
		46,360

These figures show that the percentage of total floor space occupied by the office component is 13% which can be compared to 16% at the existing facility.

Measured to survey, the total site area is 16,900 sqm. Accordingly, the proposed 46,360 sqm GFA results in a proposed floor space ratio (FSR) of 0.28:1 across the site.

3.2.7 Height

Measured in accordance with the relevant definitions, the maximum building height of the warehouse building is 15 metres from ground level to the parapet.

3.3 Operation and Management

3.3.1 Employment

The development will result in a substantial investment into the Sutherland Shire community which will result in approximately 548 jobs as follows:

Staff based in:	Stage 1	Stage 2	Total
Warehouse	91	9	100
Office	325	123	448
Total	416	132	548

The employees at the existing facilities are:

Staff based in:	Existing Site - 230 Captain Cook Drive
Warehouse	57
Office	234
Total	**291**

3.3.2 Operating Hours

The standard operating hours of the warehouse and distribution centre will be as follows:

- Warehouse - Monday to Friday – 6.30am to 6.00pm; and
- Office - Monday to Friday – 7.00am to 6.00pm.

3.4 Landscaping

The proposed development incorporates an extensive landscaping strategy as detailed on the landscaping drawings prepared by Sturt Noble Associates (see **Appendix 4** of **Volume 2**). The proposed landscape concept is described by the landscape consultant as follows:

> *"The site, building setout and location among a rich coastal ecology provided an opportunity to restore and protect the existing environment and in turn provide a stimulating series of breakout and activity spaces for staff and visitors.*
>
> *The large northern communal lawn and gardens provides a wholesome outlook and connection from the primary café and meeting areas. This area is connected at northern and southern ends by a pedestrian circuit path that circumvents the entire site. Various concrete elements salvaged during siteworks will be sculpturally arranged and planted to enhance longer views along the lawn to the north from the café external deck. The road past the site is buffered by native vegetation around the fence set 3m back from the boundary allowing views over the top to the bushland in the distance.*
>
> *The drive entry from the north-eastern corner leads past a series of planted water detention initiatives and walkway system through recreational lawns and sculpted mounds planted with trees, native grasses and ornamental feature planting. A planted and tree canopy covered walk connects the east and western areas along the southern boundary.*
>
> *The western carpark runs inside the substantial native vegetation areas being protected and regenerated to the boundary of the site. The carpark itself is laid out with extensive native planted beds and a grid of native canopy trees providing shade to parking areas. A second 'nature walk track' is included as a walking opportunity and maintenance access to these areas. This runs full length to the northern boundary and café areas.*

At the primary building entrance, a reflection pool is laid out to guide visitors toward the front door and provide a physical buffer to the café areas from the carpark. This pool is embellished with a series of planted islands including tall steel sculptural beams to be planted with lush flowering native vines. In addition, some of the pool edges will be raised to 450mm to provide incidental seating areas."

The landscape design retains and incorporates the existing vegetation on the site wherever possible and integrates the warehouse and distribution centre into the local context. Various materials and structures that have been demolished are proposed to be reused as part of general building works and landscaping. A diverse range of native planting is proposed which are dispersed with feature plants and trees to provide shade for cars and break areas.

3.5 Tree Removal

Planted native and exotic trees around the former buildings will be removed as part of the development. Trees to be removed and retained are described in the arborist report contained in **Appendix 9**. In addition the development requires the removal of native and non-native vegetation comprising 1.2 hectares of Coast Banksia - Coast Wattle dune scrub of the Sydney Basin Bioregion and South East Corner Bioregion. The impacts of the development on flora and fauna is assessed in the Biodiversity Development Assessment Report contained in **Appendix 5**.

3.6 Project Staging and Delivery

Consent is sought for the whole development, however, it is intended that the development will be constructed in two stages to reflect the business expansion timeframe. Details of the proposed staging of the project are contained in the attached architectural plans.

3.7 Construction Management

A detailed Construction Environment Management Plan will be prepared in accordance with any conditions of consent. It is anticipated that construction works will be undertaken during standing construction working hours, which area likely to be as follows:

- Monday to Friday: 7:00am to 5:00pm
- Saturday: 8:00am to 5:00pm
- Sundays and Public holidays: no planned works.

3.8 Signage

The signage proposed as part of the development will comprise discrete building and business identification signage on the office component of the building as shown in the architectural drawings visible from the approach from the west.

3.9 Traffic, Access and Parking

3.9.1 Vehicular Access

Vehicular access to the site is proposed to be via a two way driveway in the north eastern corner of the site for both light and heavy vehicles. It is proposed that light vehicles will circulate the site along hardstand areas around the warehouse and distribution centre boundary to the car park area within the western portion of the site. The proposed light vehicle exit is on the southern corner of the sites frontage to Captain Cook Drive.

Heavy vehicles are proposed to enter and exit using the two way access driveway at the north eastern corner. This will ensure that large vehicles unloading and loading at the warehouse and distribution centre will not have to traverse through the car park area within the western portion of the site.

3.9.2 Parking

Car parking is provided in the western portion of the site with spaces for 390 cars including 10 spaces for visitors, and 4 for accessible spaces. There are a total of 18 spaces for motorcycles and 30 for bicycles.

The proposed vehicle parking area within the western portion of the site is suitably designed to circulate the vehicles and pedestrians safely. The vehicle parking area is proposed to be laid out with extensive native planted beds and a grid of native canopy trees providing shade to parking bays.

3.9.3 Loading Facilities

All loading and unloading will take place on the site on the north eastern side of the building.

3.10 Stormwater Management

A stormwater management strategy during construction and operation has been prepared by Taylor Thomson Whitting (NSW) Pty Ltd, Consulting Engineers (see **Appendix 10**). The key strategies to be adopted for this development include the following:

1. A pit and pipe network to collect all minor stormwater runoff up to the 5% AEP event with overland flow paths conveying major stormwater runoff up to the 1% AEP event.
2. Onsite Stormwater Detention shall be addressed by the combined provision of 4500m^3 of site storage. It is proposed to address this requirement through underground storage (pits, pipes, and tanks) and bio-retention basin and swales. Council's DCP allows a reduction to OSD volume through infiltration and rainwater tank offsets. Offsets to the site storage volume have not yet been proposed and as such the final arrangement of detention may be reduced during the detailed design phase.
3. EnviroPods at nominated inlet pits will form part of the water quality treatment train, removing pollutants and nutrients that are detrimental to downstream waterways.

4. A 350kL total rainwater harvesting and retention system is currently proposed to reduce the reliance on potable water whilst providing an improvement to the quality of stormwater discharge and a level of stormwater detention. The harvested rainwater will be connected for reuse as per the hydraulic engineer's details.
5. 20x460mm Stormwater360 Phosphosorb StormFilter cartridges will be housed within a vault inside the proposed Onsite Stormwater Detention tank to treat stormwater prior to discharge to the downstream drainage network.
6. Landscape buffers are to be provided as detailed on the architectural plans.
7. A vegetated swale will direct run off from impervious areas towards the bio-retention basin, effectively reducing the concentration of pollutants.
8. A bio-retention and detention basin with a filter media area of 170m^2 will filter pollutants and provide a level of stormwater attenuation.

The development can provide a safe and ecologically sustainable environment with the proposed stormwater network and water sensitive urban design management strategy.

A sedimentation and erosion control strategy has been prepared and will be implemented during construction.

3.11 Earthworks

Earthworks proposed for the development include:

- Importing fill to the site to enable the building platform to be raised above the flood planning level;
- Minor additional earthworks for building foundations and footings, forming accessways and driveways and providing services.

Excavation into existing ground surfaces is expected to be minor and within 1 metre of existing ground level. Approximately 25,000m^3 of fill will be imported to the site and will be placed under the proposed building and hardstand areas.

3.12 Remediation

A Remediation Action Plan has been prepared for the site and endorsed by a NSW EPA accredited Site Auditor (**Appendix 4**). The auditor confirms that, given available information, results do not indicate gross contamination being present at the site. The strategy as presented in the RAP provides a scope of work to close out gaps in information, notably confirming quality of residual soil following removal of buildings and structures, confirmation that asbestos impacted surface soils (potentially arising from damage to site structures from a storm event in December 2015) are not present, and groundwater quality conditions are suitable for the proposed use and protective of any down gradient sensitive receptors.

The Auditor considers that the preferred remediation strategy, as outlined in the RAP, is sufficiently robust with appropriate contingencies should contamination be greater than initially identified following the completion of the data gap investigation. The Auditor

concludes that the site is capable of being made suitable for the proposed development provided that the RAP (5 December 2017) is implemented and the following conditions met:-

1. Groundwater flow direction must be confirmed as part of the proposed additional works.
2. The RAP should be reviewed following the completion of the data gap investigation to confirm it is still appropriate or whether it requires amendment based on the new findings. Any revised RAP should be reviewed by a Site Auditor.
3. Given the shallow groundwater and proximity of ecological receptors, soil validation criteria must be protective of underlying groundwater, such that residual soil conditions do not leach at unacceptable concentrations resulting in groundwater contamination into the future.
4. Any material imported to site must be certified as VENM or ENM (or other materials) as per the requirements of the resource recovery exemptions.
5. Any risk assessment prepared for the site must be provided to the Site Auditor for review and endorsement.
6. For any contamination remaining onsite under a 'cap and containment' strategy, a Long Term Environmental Management Plan (LT EMP) must be required. The EMP will need to be appropriate for the contamination remaining, will need to be made legally enforceable and will require public notification. The LT EMP will require review and endorsement by a Site Auditor.

3.13 Accessibility

Access for people with disabilities shall be provided to and within the building in accordance with the requirements of Clause D3.2, D3.3 and D3.4 of the BCA 2011. Parts of the building required to be accessible shall comply with the requirements of AS1428.1-2009. This is addressed in the BCA report accompanying the application (see **Appendix 11**).

3.14 Sustainability

Sustainability initiatives incorporated into the development are described in the Sustainability Statement accompanying the application (see **Appendix 12**). Key measures include:

- Rainwater harvesting for landscape irrigation and toilet flushing;
- Solar panels subject to suitability given aircraft fallout;
- LED lighting will be installed to provide an energy efficient lighting solution to be documented in detailed design;
- Efficient water fixtures and fittings that achieve best practice WELS (Water Efficiency Labelling Scheme) ratings will be selected. This applies to taps, toilets, showers and urinals;
- A lighting control strategy consisting of daylight sensors, occupancy sensors, time switches or manual switches, as appropriate, will be employed in tandem with high efficiency LED lighting to further reduce lighting energy consumption;

- Facilities to encourage fitness included in the design, such as a gym and changing facilities and walking tracks around the site; and
- The provisions of Section J of the Building Code of Australia 2014 will be met as outlined in the Sustainability Statement contained in **Appendix 12**.

3.15 BCA Compliance

The proposal has been designed to comply with the Building Code of Australia 2014. BCA compliance is a prescribed condition of consent. The accompanying BCA Design Compliance Report prepared by MBC Group (see **Appendix 11**) assesses the design of the proposal against BCA Deemed-to-Satisfy provisions and outlines areas where compliance is not achieved, areas may warrant redesign to achieve compliance, and areas may be able to be assessed against the relevant performance provisions of the BCA. The Report concludes that the design of the proposal can achieve compliance with relevant BCA provisions and standards with some exemptions required. BCA compliance will be addressed as part of a Construction Certificate without giving rise to inconsistencies with a development consent.

3.16 External Lighting

External lighting will be designed to comply with the requirements of AS4282-1997 – Control of obtrusive effects of outdoor lighting by the electrical services designer.

3.17 Services and Infrastructure

Existing infrastructure connections are available to the site. Where necessary, these services will be extended, adapted and augmented to meet the demands of the development.

3.17.1 Water and Sewer

A Hydraulic Services Assessment (**Appendix 13**) has been undertaken. The potable cold water demands for the development serve sanitary fixtures (showers, basins, kitchen sinks), cafe, potable cold water rainwater reuse top up and would be sources from the Sydney Water main located in Captain Cook Drive.

Approximately 8000m^2 of warehouse roof shall reticulate to the rainwater reuse tank to serve sanitary fixtures and irrigation for the development. When the rainwater reuse tank is full, the overflow from the rainwater reuse tank will discharge into main stormwater line through the detention tank.

The drainage to serve the cafe shall discharge through a 2000L grease arrestor and then reticulate to 20,000L collection tank. The Sydney Water sewer main is a rising main located in Captain Cook Drive and sized at 200mm. It requires a pump discharge connection from the 20,000L collection tank to the rising main.

3.17.2 Gas

A 300mmm gas main at 1050 kPa is located on Captain Cook Drive and will serve mechanical plant, cafe and heating.

3.17.3 Electricity

Building services for the proposed development are discussed in the Building Services Return Brief Report (**Appendix 14**). A new substation is to be provided for the development at a location adjacent to the main entry.

3.17.4 Fire Services

An automatic fire sprinkler system shall be provided throughout the building. This system will be provided with a Grade 2 water supply arrangement as per AS2118.1-1999 which comprises of 1 x 625,000 litres effective capacity and 1 x 413,000 litres effective capacity water storage tanks with an infill of 85 l/s into the reduced capacity tank from the incoming 300mm town main on Captain Cook Drive complete with a backflow prevention device.

The tank supply will be boosted to the sprinkler system via 2-off diesel booster pumps, located in the fire services pump room with the hydrant system booster pump. Fire hydrant coverage will be provided throughout the warehouse and office building to comply with AS2419.1-2005. Hydrant system will be supplied with an incoming connection off 300mm water main on Captain Cook Drive connecting to a 40KL in-ground storage tank located outside the basement, utilising automatic towns main infill.

Fire hose reel coverage will be provided to comply with AS2441-2005.

3.18 Subdivision for Boundary Adjustment

The proposal includes the realignment of the boundary between Lot 1 in DP 1077972 and Lot 2 in DP 1088703. Existing Lot 1 in DP 225973 will be consolidated into the new lot. Details of the proposed realignment and lot consolidation are provided in the subdivision plan (**Appendix 2** of **Volume 2**).

3.19 Bushfire Management

The site contains bushfire prone land identified as 'Vegetation Category' and 'Vegetation Buffer'. Accordingly, the proposed development incorporates asset protection zones and other bushfire management and mitigation practices in accordance with the statutory requirements of NSW Rural Fire Service. Bushfire protection measures comply with relevant provisions and requirements of Bushfire Protection 2006.

The accompanying Bushfire Protection Assessment Report prepared by Australian Bushfire Protection Planners Pty Ltd (**Appendix 6)** establishes bushfire protection mitigation measures and recommendations required for the development. The report advises that the development provides the following separation to unmanaged, bushfire prone vegetation:-

"1. More than 75 metres from the Coastal Scrub [Heath] within the Vegetation Zone located to the northeast of the warehouse building;

2. More than 12 metres to the Coastal Scrub [Heath] located on the adjacent land to the southeast of the development site;

3. More than 48 metres from the Swamp Oak Forest within the Conservation Area to the southwest of the warehouse building;

4. More than 50 metres to the Swamp Oak Forest within Towra Nature Reserve, to the northwest of the office building.

These separation widths provide adequate protection from the impact of bushfire."

The Report confirms that the development provides for a minimum defendable space width of 75 metres to the northeast, a minimum 12 metres to the southeast, a minimum 48 metres to the southwest, and a minimum 50 metres to the northwest of the proposed building.

3.20 Waste Management

3.20.1 During Construction

A Construction Waste Management Plan (**Appendix 15**) has been prepared outlining procedures for managing and minimising waste during construction.

The contamination status of soil stockpiles on the site has been investigated by WSP, the results of which are summarised in the RAP (**Appendix 4**). The RAP identifies actions to manage contamination on the site including asbestos waste on the site.

3.20.2 During Operation

An Operational Waste Management Plan (**Appendix 16**) has been prepared outlining procedures for managing and minimising waste during construction. Based on the development profile, the following are the predominant waste streams that would be expected on a regular basis:

- Cardboard/Paper recycling;
- Commingled recycling;
- Hard/Soft plastic recycling;
- Organics recycling;
- E---waste;
- Pallet recycling;
- Secure Paper recycling; and
- General waste.

The plan includes recommendations and targets for recycling waste.

3.21 Emergency Management

An Emergency Procedures Manual (**Appendix 17**) has been prepared to assist all occupants in dealing with an emergency including flooding and bushfire and should be read in conjunction with recommendations of the flood study and bushfire reports accompanying the development application. When following these procedures, the first priority is the safety of the occupants. If safe to do so ensure the protection of records, property and other assets.

3.22 Capital Investment Value

As detailed in the accompanying CIV Cost Report prepared by Mitchell Brandtman (provided at **Appendix 18**), the total estimated capital investment value (CIV) for Stages 1 and 2 (combined) of the proposed development is $77.2 million.

4. CONSULTATION

Engagement with local, State and Commonwealth Government authorities, service providers, community groups and affected landowners is an important aspect of this environmental assessment and was required by the SEARs. The following table summarises the consultation activities undertaken during the preparation of this EIS.

Table 2: Consultation Summary

Stakeholder	Consultation	Comment
Sutherland Shire Council **Pre-DA meeting**	23 January 2018 - meeting held with senior staff at Council Chambers	SEARs reinforces. Land use risks to be considered
Nearby Landholders **Nearby landholders within an 800m radius of the site.**	On 7 February 2018 50 letters were dropped in mailboxes to notify nearby landholders within an 800m radius of the site of the preparation of the EIS. No responses were received.	N/A
Kurnell Residents Actions Group	Letter sent to address on 7 February 2018. No response received.	N/A
Environmental Protection Agency **Craig Patterson** **Craig.patterson@epa.nsw.gov.au**	EPA has advised in an email dated 9 February 2018 to reinstate the requirements of the SEARs and to indicate that a key consideration for the EPA is whether the development requires an Environmental Protection Licence.	The development does not require an Environmental Protection Licence.
Office of Environment and Heritage **Bronwyn Smith** **Bronwyn.smith@environment.nsw.gov.au**	OEH responded via telephone to reinstate their response to the SEARs request.	N/A
Roads and Maritime Services **Brandon Pegg** **Development.sydney@rms.nsw.gov.au**	RMS responded via email on 26 February 2018 to advise that they had no additional comments at this time.	N/A
Department of Primary Industries **Landuse.enquiries@dpi.nsw.gov.au**	DPI responded via email on 7 February 2018 to advise that they have no additional requirements at this stage.	N/A

Water NSW **Water.inquiries@dpi.nsw.gov.au**	Email Water NSW on 6 February 2018. No response was received.	N/A
Rural Fire Services **pes@fs.nsw.gov.au**	RFS responded via email on 20 February 2018 to reinstate their response to the SEARs request. They reinforced that a bushfire assessment report which identifies the extent to which the proposed development complies with or deviates from the relevant provisions of *Planning for Bush Fire Protection 2006* is required to be lodged with the EIS.	See Bush Fire Protection Assessment prepared by Australian Bushfire Protection Planners
Safework NSW **contact@safework.nsw.gov.au**	Responded via telephone to indicate that Safework NSW do not get involved in the DA stage of the Development.	N/A
Sydney Water **Lulu.huang@sydneywater.com.au**	Sydney Water responded via email on 7 February 2018 to advise that they had no further additional requirements at this stage other than the ones submitted in the response to the SEARs request.	N/A
Ausgrid **Enquiries@ausgrid.com.au**	Emailed Ausgrid on 6 February 2018. No response was received.	N/A

In addition consultation was undertaken as required by specialist consultants in undertaking assessments for the purpose of the design of the development and this EIS.

5. STRATEGIC AND STATUTORY CONTEXT

5.1 Strategic Planning Initiatives

5.1.1 NSW Premier's and State Priorities

The Government is working to achieve 12 Premier's priorities and 18 state priorities to grow the economy, deliver infrastructure, protect the vulnerable, and improve health, education and public services across NSW. The relevant priorities are addressed in the following table.

Table 3: NSW Premier's and State Priorities

Premiers Priorities	Comment
Building Infrastructure - Key infrastructure projects to be delivered on time and on budget across the state.	The proposal is a State significant development planned to be built on time and budget.
Creating jobs	548 jobs to be created during operation and 350 during construction.
Driving public sector diversity - increase the number of women and Aboriginal and Torres Strait Islander people in senior leadership roles	Not relevant
Improving government services - Improve customer satisfaction with key government services every year, this term of government	Not relevant
State Priorities	
Making it easier to start a business	The construction and operations budgets will assist in making it easier to start a business in the Sydney Metropolitan area
Encouraging business investment	The construction and operations budgets in the Sydney Metropolitan area will encourage business investment
Boosting apprenticeships	The construction program will provide additional opportunities for apprenticeships
Accelerating major project assessment	It is anticipated that the development would benefit from this

5.1.2 A Plan for Growing Sydney

The Plan for Growing Sydney was released in December 2014 and sets out the key strategic growth priorities for "Global Sydney", including increased employment growth which the proposal will achieve during both construction and operation. The proposal will contribute to the fulfilment of the Plan's goals and vision by encouraging employment-generating activity in an industrial zone, making efficient use of an underutilised site, supporting logistics employment areas, utilising existing transport connections, providing high quality development that protects the biodiversity values of the site, and incorporating ESD initiatives into the design and operation of the new facility.

5.1.3 Greater Sydney Regional Plan 2056

The *Greater Sydney Regional Plan - A metropolis of three cities – connecting people* was published in March 2018. It sets out a vision, objectives, strategies and actions for a metropolis of three cities across Greater Sydney. Sutherland is located in the South District. The development is consistent with the regional plan in that it is supported by available infrastructure in serviced vacant industrial land, provides jobs for residents of the South District, and incorporates ESD initiatives.

5.1.4 South District Plan

This South District Plan sets out planning priorities and actions for the development of the South District. The development is consistent with the South District Plan in that the site is located in an area identified for industrial development. The development is consistent with key planning priorities in the Draft South District Plan as indicated in the following table:

Planning Priority	Comment
Planning Priority S1. Planning for a city supported by infrastructure	The development makes efficient use of underutilised serviced industrial land.
Planning Priority S2. Working through collaboration	Consultation has been held with Council and other relevant stakeholders in preparing the development application.
Planning Priority S4. Fostering healthy, creative, culturally rich and socially connected communities	The development incorporates features to foster healthy living by staff through facilities provided, landscaped trails and breakout areas.
Planning Priority S10. Retaining and managing industrial and urban services land	The development is located in an established industrial area.
Planning Priority S11.Supporting growth of targeted industry sectors	The development supports a targeted industry being information, communication and technology (including cyber security).
Planning Priority S13. Protecting and improving the health and enjoyment of the District's waterways 2	The development incorporated stormwater quality controls to protect nearby waterways.
Planning Priority S14. Protecting and enhancing bushland, biodiversity and scenic and cultural landscapes and better managing rural areas	High quality bushland on the site is protected.
Planning Priority S15. Increasing urban tree canopy cover and delivering Green Grid connections	Significant additional planting is proposed on the site.
Planning Priority S17. Reducing carbon emissions and managing energy, water and waste efficiently	The development incorporates ESD initiatives including rainwater harvesting for irrigation and toilet flushing and solar power
Planning Priority S18. Adapting to the impacts of urban and natural hazards and climate change	Sea level rise has been factored into flood modelling.

The development is consistent with the Draft South District Plan.

5.1.5 Sutherland Shire Community Strategic Plan

The Sutherland Shire Community Strategic Plan outlines the community aspirations and long-term vision for Sutherland Shire. The overarching goals of the Strategic Plan are to:

- work together in Sutherland Shire as a community informed and engaged in its future;
- enhance and protect the beautiful and healthy natural environment of Sutherland Shire;
- sustain Sutherland Shire as a caring and supportive community;
- evolve Sutherland Shire's culturally rich and vibrant community;
- progress the Sutherland Shire as a prosperous community for all; and
- sustain Sutherland Shire as a liveable place where we can all continue to enjoy a high quality of life.

The proposal is consistent with the relevant aims and objectives of the Sutherland Shire Community Strategic Plan in that it delivers a sensitive development in an appropriate location that does not give rise to any adverse environmental impacts. The development will positively contribute to the Sutherland Shire community creating approximately 548 jobs.

5.2 Environmental Planning and Assessment Act 1979

The Environmental Planning and Assessment Act 1979 ("EP&A Act") and the Environmental Planning and Assessment Regulation 2000 ("Regulations") provide the statutory framework for environmental planning in NSW. The Act and Regulations include provisions relating to the approval of development to ensure that development which has the potential to impact the environment is subject to detailed assessment and opportunities for public involvement.

5.2.1 Objects of the EP&A Act

The objects of the EP&A Act are:

"(a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,

(b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,

(c) to promote the orderly and economic use and development of land,

(d) to promote the delivery and maintenance of affordable housing,

(e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,

(f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),

(g) to promote good design and amenity of the built environment,

(h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,

(i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,

(j) to provide increased opportunity for community participation in environmental planning and assessment."

The proposed development is consistent with the objects of the EP&A Act as discussed in Table 4 below. Site investigations have determined that the proposed development will not result in any significant negative impacts that cannot be adequately mitigated or managed.

Table 4: Objects of the EP&A Act

Objects of the EP&A Act	Comment
(a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources	The site occupies an area of industrial land. The development conserves and manages resources by providing for an efficient and effective warehouse distribution centre purpose of promoting the social and economic welfare of the community and a better environment.
(b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment	The proposal includes a range of sustainability initiatives such as providing a sustainable transport plan.
(c) to promote the orderly and economic use and development of land	The proposal represents an efficient and economic use of land consistent with environmental planning instrument strategies and policies prepared under the EP&A Act.
(d) to promote the delivery and maintenance of affordable housing	Not relevant to the proposal.
(e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats	The development has been designed and proposes to operate in a manner that minimises impacts to the environment, including threatened species, populations and ecological communities, and their habitats. All relevant impacts have been assessed and mitigation and management measures have been proposed to encourage the protection of the environment.
(f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage)	The development incorporates measures to promote the sustainable management of built and cultural heritage (as relevant to the site and the proposal).
(g) to promote good design and amenity of the built environment	The proposal incorporates excellent urban design and landscape design. The design promotes high-quality amenity of the built environment.
(h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants	The construction and ongoing maintenance of the warehouse distribution centre will incorporate appropriate techniques and management practices to ensure the health and safety of occupants.

(i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State	The development displays a cooperative arrangement in a manner that maximised benefits to the local community and minimises adverse impacts.
(j) to provide increased opportunity for community participation in environmental planning and assessment	The consent authority will provide opportunity for involvement and participation in accordance with the requirements of relevant legislation.

5.3 Environmental Planning and Assessment Regulation 2000

This EIS has been prepared in accordance with the provisions of Clause 6 and Clause 7 of Schedule 2 of the Environmental Planning and Assessment Regulation 2000.

5.4 Other Legislation

5.4.1 Biodiversity Conservation Act 2016

The Biodiversity Conservation Act 2016 aims to maintain a healthy, productive and resilient environment for the greatest well-being of the community, now and into the future, consistent with the principles of ecologically sustainable development. Specifically, the Act relates to the terrestrial environment being animals and plants and not fish and marine vegetation.

Section 7.9 of the Act applies to an application for development consent under Part 4 of the EP&A Act for State significant development. Section 7.9 provides as follows:

> *"(2) Any such application is to be accompanied by a biodiversity development assessment report unless the Planning Agency Head and the Environment Agency Head determine that the proposed development is not likely to have any significant impact on biodiversity values.*
>
> *(3) The environmental impact statement that accompanies any such application is to include the biodiversity assessment required by the environmental assessment requirements of the Planning Agency Head under the Environmental Planning and Assessment Act 1979."*

The Minister for Planning, when determining such a development application in accordance with the EP&A Act, is required to take into consideration the likely impact of the development on biodiversity values as assessed in a biodiversity development assessment report. The Minister for Planning may (but is not required to) further consider under that Act the likely impact of development on biodiversity values. Accordingly, this application is accompanied by a Biodiversity Development Assessment Report prepared by Biosis (at **Appendix 5**). The assessment was undertaken in accordance with the NSW Biodiversity assessment method.

5.4.2 National Parks and Wildlife Act 1974

The National Parks and Wildlife Act 1974 ("NPW Act") provides the basis for legal protection and management of Aboriginal sites. The Aboriginal Cultural Heritage Assessment prepared by Mary Dallas Consulting Archaeologists (at **Appendix 7**) contains recommendations based upon legal requirements and automatic statutory protection provided to items of Aboriginal

heritage under the terms of the NPW Act where it is an offence to knowingly or unknowingly harm an Aboriginal object. Recommendations are also based on results of the investigation and views expressed by the Registered Aboriginal Parties to the assessment. The Report provides the following summary statement of Aboriginal Cultural Heritage Significance:

> *"The evidence of the Aboriginal occupation of the subject land is limited in extent and concentration. It is of low archaeological significance, but retains significance to the local Aboriginal community as part of the broader Aboriginal landscape of the Kurnell peninsula."*

5.4.3 Heritage Act 1977

The key objects of the Heritage Act 1977 ("the Heritage Act") are to promote understanding of the State's heritage, encourage conservation of the State's European cultural heritage, and identify, register and protect items of State heritage significance. Under the Act, approval is required to demolish, move, alter or in some way develop a place, building or land covered by an interim heritage order or a State Heritage Register ("SHR") listing. An excavation permit is required to disturb or excavate any land that is likely to result in a relic being discovered, exposed, moved, damaged or destroyed.

A Historical Archaeological Assessment and Statement of Heritage Impact Report has been prepared by Mary Dallas Consulting Archaeologists in accordance with NSW Heritage Division guidelines (at **Appendix 8**). This report relates to historical (European, non-indigenous) heritage significance only. The report provides the following conclusions:

> *"The study area has no demonstrable historical cultural heritage significance nor historical archaeological sensitivity. Consequently, the proposed development will not impact on the heritage values of the place directly. With respect to potential impacts on heritage items nearby, the proposed development is unlikely to alter the cultural heritage values of these items/localities in any measurable way.*
>
> *The study area does not contain any vestiges of past use that have inherent historic heritage or historical archaeological value or significance, and consequently, there are no non-indigenous heritage impediments to the proposed data warehousing redevelopment being undertaken as envisaged.*"

Pursuant to S146 of the Heritage Act, the inadvertent discovery of relics during excavation or construction will be reported to the Heritage Council in a timely and appropriate manner.

5.4.4 Roads Act 1993

Under Section 138 of the Roads Act 1993, a person must not impact or carry out work on or over a public road otherwise than with the consent of the appropriate roads authority. Works are proposed on Captain Cook Drive to form the two vehicular access crossovers. In this regard, approval is required under the Roads Act prior to such works being undertaken.

5.4.5 Water Management Act 2000

The Water Management Act 2000 controls the extraction of water, the use of water, the construction of works such as dams and weirs and the carrying out of activities in or near water sources in NSW. The proposal does not involve works within the vicinity of a water course and would not involve excavation to a depth that would expose groundwater.

5.4.6 Local Government Act 1993

Pursuant to Section 68 of the Local Government Act 1993, a permit would be required from Sutherland Shire Council for certain functions. An application under S68 is not envisaged.

5.4.7 List of Approvals and Authorisations Required

All required authorisations and approvals would be obtained prior to the commencement of construction or operational phases. This includes, but is not limited to, the following:

- Section 138 of the Roads Act 1993;
- Section 68 of the Local Government Act 1993 (if required);
- Section 90 of the National Parks and Wildlife Act 1974 (SSD is exempt); and
- Section 43 of the Protection of the Environment Operations Act 1997 (licence not required).

5.5 Environment Protection and Biodiversity Conservation Act 1999

The Commonwealth Environment Protection and Biodiversity Conservation Act 1999 ("the EPBC Act") is the Australian Government's key piece of environmental legislation which commenced on 16 July 2000. The Act introduces assessment and approvals systems for:

- actions that have significant impact on matters of national environmental significance;
- actions that have significant impact on the environment of Commonwealth land; and
- actions carried out by the Commonwealth Government.

The EPBC Act requires that actions likely to have a significant impact on a matter of national environmental significance are subject to a rigorous assessment and approval process. An action includes a project, development, undertaking, activity, or series of activities.

The Act identifies the following seven matters of national environmental significance:

- World Heritage properties;
- National Heritage places;
- Ramsar wetlands of international significance;
- Nationally listed threatened species and ecological communities;
- Listed migratory species;
- Commonwealth marine areas; and
- Nuclear actions (including uranium mining).

The Biodiversity Development Assessment Report ("Biodiversity Report") prepared by Biosis (**Appendix 5**) assesses the proposal against matters of national environmental significance protected by Part 3 of the EPBC Act. Significant is impact unlikely to result from the proposal.

There are four threatened flora species and 22 threatened fauna species that have been recorded or are predicted to occur in the locality. However, as no impacts to significant flora of fauna habitats will result from the proposal, and no listed species were recorded on the study area, no impacts to threatened species will occur. The Biodiversity Report concludes that significant impact on threatened species is unlikely to result from the development.

The Ramsar wetland Towra Point Nature Reserve is located approximately 250 metres from the site. However, the Report found that the study area does not flow directly into the Ramsar site and therefore significant impact is unlikely to result from the development.

The Biodiversity Report concludes that the development is unlikely to have any significant impacts on matters of national environmental significance listed under the EPBC Act.

5.6 Environmental Planning Instruments and Council Policies

5.6.1 State Environmental Planning Policy (State and Regional Development) 2011

Pursuant to Clause 8(1)(b) in Part 2 of State Environmental Planning Policy (State and Regional Development) 2011 ("the State and Regional Development SEPP"), development is declared to be State significant development if the development is specified in Schedule 1 or 2 of the SEPP. Schedule 1 ('State significant development – general') provides as follows:

*"**12 Warehouses or distribution centres***

(1) Development that has a capital investment value of more than $50 million to warehouses or distribution centres (including container storage facilities) at one location and related to the same operation.

(2) This clause does not apply to development for the purposes of warehouses or distribution centres to which clause 18 or 19 applies."

The CIV Cost Report prepared by Mitchell Brandtman (see **Appendix 18**) provides a detailed estimation of the Capital Investment Value (CIV) of the project. The Report indicates that the CIV is approximately $77.2 million. Accordingly, pursuant to the State and Regional Development SEPP, the proposal is declared to be State significant development.

5.6.2 State Environmental Planning Policy (Infrastructure) 2007

State Environmental Planning Policy (Infrastructure) 2007 ("the Infrastructure SEPP") sets out matters to be considered in the assessment of development adjacent to certain types of infrastructure. The SEPP requires consultation with relevant public authorities about certain development during the assessment process.

Clause 101 of the SEPP relates to sites with a frontage to a classified (Regional) road. The section of Captain Cook Drive onto which the site has a frontage, being the section that starts from the junction with Elouera Road and ends at the junction with Cape Solander Road, is an unclassified RMS Regional Road (Road No 7031) (i.e. a Regional Road that is not classified as Highway, Main Road, Secondary Road or Tourist Road under the Roads Act). Therefore Clause 101 of the Infrastructure SEPP does not apply to the development.

Clause 102 applies to development on land in or adjacent to a road corridor with an annual average daily traffic (AADT) of more than 40,000 vehicles (based on RTA volume data). As identified on the RTA Traffic Volume Map, the section of Captain Cook Drive onto which the site fronts a road corridor has an AADT lower than 20,000 and is not recorded on the RTA Traffic Volume Map. Therefore Clause 102 of the SEPP does not apply to the development.

5.6.3 State Environmental Planning Policy No 33 – Hazardous and Offensive Development

State Environmental Planning Policy No 33 – Hazardous and Offensive Development ("SEPP 33") requires a consent authority to ensure that, in considering an application for potentially hazardous or offensive development, relevant conditions are imposed to reduce or minimise any adverse impact. Clause 8 requires consideration of departmental guidelines to determine whether a development is a hazardous storage establishment, hazardous industry or other potentially hazardous industry, or an offensive storage establishment, offensive industry or other potentially offensive industry. Consideration must be given to current circulars or guidelines published by the DPE regarding hazardous or offensive development.

The proposed warehouse and distribution centre will provide storage for electronic products which are not listed as being hazardous or offensive in any current circular or guidelines published by the DPE. Therefore SEPP 33 is not applicable to the proposed development.

5.6.4 State Environmental Planning Policy 55 – Remediation of Land

State Environmental Planning Policy 55 – Remediation of Land ("SEPP 55") provides that a consent authority must not consent to carrying out of development unless it has considered whether the subject land is contaminated. A consent authority must consider the findings of a preliminary investigation of the land, carried out in accordance with contaminated land planning guidelines, prior to determining an application to carry out development on that land.

SEPP 55 further requires the preparation of a report specifying the findings of a preliminary investigation of the land concerned, carried out in accordance with the contaminated land planning guidelines, to be considered by the consent authority before determining an application for consent to carry out development that would involve a change of use on that land. Accordingly, a Remediation Action Plan ("RAP") has been prepared by WSP Australia Pty Limited (at **Appendix 4**). The RAP has been prepared to meet statutory requirements of SEPP55 and to outline the rationale for the proposed additional investigation and remedial works. It also provides proposed remedial methods to address soil and groundwater impacts to ensure that the site is suitable for the anticipated future industrial development use.

The RAP concludes that the proposed strategy is the most effective method to:

- "*Comply with the Environment Protection Authority (EPA) Contaminated Sites – Guidelines for Consultants Reporting on Contaminated Sites;*
- *Comply with the Managing Land Contamination Planning Guidelines SEPP55 – Remediation of Land;*
- *Minimise potential risks posed to human health and the environment; and*
- *Render the site suitable for the proposed commercial development.*"

Zoic Environmental Pty Ltd, a NSW EPA accredited Site Auditor (No.0802), was appointed on a non-statutory audit engagement to provide the Auditor's opinion as to whether the site can be made suitable for the proposed use and to endorse the remedial approach set out in the RAP (see **Appendix 4**). The audit was conducted in accordance with NSW EPA (2017) Contaminated Land Management Guidelines for the NSW Site Auditor Scheme (3rd edition).

The Interim Audit Advice provides the following statements and endorsement:

> *"Given the available site information as presented in the above reports, results do not indicate gross contamination being present at the site. However, it is noted that large parts of the site have not been previously investigated due to the presence of former buildings and underground infrastructure or areas omitted from any investigation (for example the pond, the nature conservation area and Aboriginal archaeological zone).*
>
> *The strategy as presented in the RAP provides a scope of work to close out gaps in information, notably confirming quality of residual soil following the removal of buildings and structures, confirmation that asbestos impacted surface soils (potentially arising from damage to site structures from a storm event in December 2015) are not present, and groundwater quality conditions are suitable for the proposed use and are protective of any down gradient sensitive receptors.*
>
> *The Auditor considers that the preferred remediation strategy, as outlined in the WSP RAP, is sufficiently robust with appropriate contingencies should contamination be greater than initially identified following the completion of the data gap investigation.*
>
> *The Auditor concludes that the site is capable of being made suitable for the proposed commercial/industrial development provided that the WSP (5 December 2017) RAP is implemented and the following conditions are met:*
>
> 1. *Groundwater flow direction must be confirmed as part of the proposed additional works.*
> 2. *The RAP should be reviewed following the completion of the data gap investigation to confirm it is still appropriate or whether it requires amendment based on the new findings. Any revised RAP should be reviewed by a Site Auditor.*
> 3. *Given the shallow groundwater and proximity of ecological receptors, soil validation criteria must be protective of underlying groundwater, such that residual soil conditions do not leach at unacceptable concentrations resulting in groundwater contamination into the future.*
> 4. *Any material imported to site must be certified as VENM or ENM (or other materials) as per the requirements of the resource recovery exemptions.*
> 5. *Any risk assessment prepared for the site must be provided to the Site Auditor for review and endorsement.*
> 6. *For any contamination remaining onsite under a 'cap and containment' strategy, a Long Term Environmental Management Plan (LT EMP) must be required. The EMP will need to be appropriate for the contamination remaining, will need to be made legally enforceable and will require public notification. The LT EMP will require review and endorsement by a Site Auditor."*

5.6.5 State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017

State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 ("the Vegetation SEPP") seeks to protect biodiversity values of trees and vegetation in non-rural areas and preserve amenity of non-rural areas through preservation of trees and vegetation. The SEPP applies to non-rural areas of the State including the Sutherland Shire local government area.

The accompanying Arboricultural Impact Assessment Report prepared by Arboreport (at **Appendix 9**) provides an assessment of the impacts of the proposed development on 124 surveyed trees in accordance with *AS4970 – 2009 Protection of trees on development sites*. The report observes that the site's vegetation has a majority native tree canopy, with native shrub mid-storey and a turf groundcover layer. The area of the site that will be impacted by the development comprises planted native and exotic trees and grasses. Apart from the road frontage, the impacted area is surrounded by three endangered ecological communities being Bangalay Sand Forest, Swamp Oak Floodplain Forest, and Swamp Sclerophyll Forest.

The Report provides a detailed assessment of the significance of the surveyed trees that are each recommended for removal, retention and/or pruning. It addresses encroachment within tree protection zones, structural root zones, and protection specifications for trees to be retained. Notwithstanding, the proposal incorporates a comprehensive landscaping strategy that mitigates the loss of trees and provide for retention of other trees and vegetation.

The Biodiversity Report (**Appendix 5**) provides an assessment of the impacts of the development on biodiversity.

5.6.6 State Environmental Planning Policy (Coastal Management) 2018

State Environmental Planning Policy (Coastal Management) 2018 ("the Coastal Management SEPP") aims to promote an integrated and co-ordinated approach to land use planning in the coastal zone in a manner consistent with the objects of the Coastal Management Act 2016, including the management objectives for each coastal management area, by:

> *"(a) managing development in the coastal zone and protecting the environmental assets of the coast, and*
>
> *(b) establishing a framework for land use planning to guide decision-making in the coastal zone, and*
>
> *(c) mapping the 4 coastal management areas that comprise the NSW coastal zone for the purpose of the definitions in the Coastal Management Act 2016."*

As per the relevant definition in Section 5 of the Coastal Management Act 2016, a coastal zone is defined mean the area of land comprised of the following coastal management areas:

> *"(a) the coastal wetlands and littoral rainforests area,*
>
> *(b) the coastal vulnerability area,*
>
> *(c) the coastal environment area,*
>
> *(d) the coastal use area."*

The Coastal Management SEPP Maps published by the NSW Department of Planning & Environment indicate that the development site is affected by certain coastal management areas. The extent of the areas affected by coastal management areas are demonstrated in the following table.

The following table provides an assessment of the proposed development against relevant development controls for the prescribed coastal management areas in accordance with Part 2 of the Coastal Management SEPP.

Coastal Management SEPP	Comment
Division 1 Coastal wetlands and littoral rainforests area	
	
10 Development on certain land within coastal wetlands and littoral rainforests area (1) The following may be carried out on land identified as "coastal wetlands" or "littoral rainforest" on the *Coastal Wetlands and Littoral Rainforests Area Map* only with development consent: (a) the clearing of native vegetation within the meaning of Part 5A of the Local Land Services Act 2013, (b) the harm of marine vegetation within the meaning of Division 4 of Part 7 of the Fisheries Management Act 1994, (c) the carrying out of any of the following: i) earthworks (including the depositing of material on land), ii) constructing a levee,	A small portion of the site in the southern corner is identified as "coastal wetlands". This area is located in the proposed "Vegetation Zone" and within close proximity to a small man-made dam constructed in the 1960s. In relation to Clause 10(4), the consent authority can be satisfied that the development incorporates sufficient measures to

Coastal Management SEPP	Comment
iii) draining the land, iv) environmental protection works, (d) any other development. **Note**. Clause 17 provides that, for the avoidance of doubt, nothing in this Part: (a) permits the carrying out of development that is prohibited development under another environmental planning instrument, or (b) permits the carrying out of development without development consent where another environmental planning instrument provides that the development may be carried out only with development consent. (2) Development for which consent is required by subclause (1), other than development for the purpose of environmental protection works, is declared to be designated development for the purposes of the Act. (3) Despite subclause (1), development for the purpose of environmental protection works on land identified as "coastal wetlands" or "littoral rainforest" on the Coastal Wetlands and Littoral Rainforests Area Map may be carried out by or on behalf of a public authority without development consent if the development is identified in: (a) the relevant certified coastal management program, or (b) a plan of management prepared and adopted under Division 2 of Part 2 of Chapter 6 of the Local Government Act 1993, or (c) a plan of management approved and in force under Division 6 of Part 5 of the Crown Lands Act 1989. (4) A consent authority must not grant consent for development referred to in subclause (1) unless the consent authority is satisfied that sufficient measures have been, or will be, taken to protect, and where possible enhance, the biophysical, hydrological and ecological integrity of the coastal wetland or littoral rainforest. (5) Nothing in this clause requires consent for the damage or removal of a priority weed within the meaning of clause 32 of Schedule 7 to the Biosecurity Act 2015. (6) This clause does not apply to the carrying out of development on land reserved under the National Parks and Wildlife Act 1974 if the proposed development is consistent with a plan of management prepared under that Act for the land concerned.	protect and enhance the hydrological and ecological integrity of the area of the site identified as coastal wetland. These are discussed in the report contained in **Appendix 5** and include: • avoidance of land identified on the map as coastal wetlands; • no direct impacts during construction or operation; • minimising edge effects; • no impacts on groundwater dependent ecosystems. The investigations and modelling undertaken to support the Stormwater Management Plan indicate that the stormwater network and water sensitive urban design management strategy will deliver an ecologically sustainable environment. Clause 10(3), (5) and (6) do not apply to the site or the proposed development.

Coastal Management SEPP	Comment
	
11 Development on land in proximity to coastal wetlands or littoral rainforest **Note**. The Coastal Wetlands and Littoral Rainforests Area Map identifies certain land that is inside the coastal wetlands and littoral rainforests area as "proximity area for coastal wetlands" or "proximity area for littoral rainforest" or both. (1) Development consent must not be granted to development on land identified as "proximity area for coastal wetlands" or "proximity area for littoral rainforest" on the Coastal Wetlands and Littoral Rainforests Area Map unless the consent authority is satisfied that the proposed development will not significantly impact on: (a) the biophysical, hydrological or ecological integrity of the adjacent coastal wetland or littoral rainforest, or (b) the quantity and quality of surface and ground water flows to and	Areas of the site along the northern boundary and the southern and south-eastern corners are identified as a "proximity area for coastal wetlands". These areas within the development footprint have been disturbed by previous development and have been mostly cleared. The description of vegetation in these areas and the impacts of the development

Coastal Management SEPP	Comment
from the adjacent coastal wetland or littoral rainforest. (2) This clause does not apply to land that is identified as "coastal wetlands" or "littoral rainforest" on the Coastal Wetlands and Littoral Rainforests Area Map.	in these areas is discussed in the Biodiversity Assessment Report contained in **Appendix 5**. The Stormwater Management Plan indicates that the stormwater network and water sensitive urban design management strategy will deliver an ecologically sustainable environment.
Division 2 Coastal vulnerability area	
12 Development on land within the coastal vulnerability area Development consent must not be granted to development on land that is within the area identified as "coastal vulnerability area" on the Coastal Vulnerability Area Map unless the consent authority is satisfied that: (a) if the proposed development comprises the erection of a building or works—the building or works are engineered to withstand current and projected coastal hazards for the design life of the building or works, and (b) the proposed development: i) is not likely to alter coastal processes to the detriment of the natural environment or other land, and ii) is not likely to reduce the public amenity, access to and use of any beach, foreshore, rock platform or headland adjacent to the proposed development, and iii) incorporates appropriate measures to manage risk to life and public safety from coastal hazards, and (c) measures are in place to ensure that there are appropriate responses to, and management of, anticipated coastal processes and current and future coastal hazards.	At the commencement of the Coastal Management SEPP, no Coastal Vulnerability Area Map was adopted; therefore the site does not contain any land identified as a "coastal vulnerability area".
Division 3 Coastal environment area	

Coastal Management SEPP	Comment
	
13 Development on land within the coastal environment area (1) Development consent must not be granted to development on land that is within the coastal environment area unless the consent authority has considered whether the proposed development is likely to cause an adverse impact on the following: (a) the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment, (b) coastal environmental values and natural coastal processes, (c) the water quality of the marine estate (within the meaning of the *Marine Estate Management Act 2014*), in particular, the cumulative impacts of the proposed development on any of the sensitive coastal lakes identified in Schedule 1, (d) marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms,	A small area along the northern boundary of the site is identified as "coastal environment area". This area is already developed and is bounded to the north by Captain Cook Drive. Regarding Clause 13(1)(a) and (b) it is unlikely that the proposed development will have any impact on the integrity or resilience of the biophysical, hydrological and ecological environment

Coastal Management SEPP	Comment
(e) existing public open space and safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability, (f) Aboriginal cultural heritage, practices and places, (g) the use of the surf zone. (2) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that: (a) the development is designed, sited and will be managed to avoid an adverse impact referred to in subclause (1), or (b) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or (c) if that impact cannot be minimised—the development will be managed to mitigate that impact. (3) This clause does not apply to land within the Foreshores and Waterways Area within the meaning of *Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005*.	or coastal environmental values and natural coastal processes given that the land affected comprises a small area adjacent to Captain Cook Drive. The consent authority can be satisfied that the design of the development avoids adverse impacts on the matters listed in Clauses 13(1)(c), (d), (e), (f), or (g). Section 7 of this EIS details the measures that will implemented to mitigate potential environmental impacts of the development in relation to biodiversity, stormwater, and vegetation management.

Division 4 Coastal use area	
	
14 Development on land within the coastal use area (1) Development consent must not be granted to development on land that is within the coastal use area unless the consent authority: (a) has considered whether the proposed development is likely to cause an adverse impact on the following: i) existing, safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability, ii) overshadowing, wind funnelling and the loss of views from public places to foreshores,	An area of the site along the northern boundary is identified as a Coastal Use Area. In relation to Clause 14(1)(a), the development is not considered to result in any impacts on access to and along a foreshores, beaches, headlands, or rock platforms. The development will have

iii) the visual amenity and scenic qualities of the coast, including coastal headlands, iv) Aboriginal cultural heritage, practices and places, v) cultural and built environment heritage, and (b) is satisfied that: i) the development is designed, sited and will be managed to avoid an adverse impact referred to in paragraph (a), or ii) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or iii) if that impact cannot be minimised—the development will be managed to mitigate that impact, and (c) has taken into account the surrounding coastal and built environment, and the bulk, scale and size of the proposed development. (2) This clause does not apply to land within the Foreshores and Waterways Area within the meaning of *Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005*.	limited impacts in terms of overshadowing, wind funnelling, or views from public places to foreshores, visual amenity and scenic qualities of the coast, Aboriginal cultural heritage, or cultural and built environmental heritage. In relation to Clause 14(1)(c), the bulk, scale and size of the proposed warehouse development is unlikely to have any impact on the surrounding coastal and built environment.

5.6.7 Biosecurity Act 2015

The Biodiversity Act 2015 provides a framework for prevention, elimination and minimisation of biosecurity risks posed by biosecurity matter and dealing with biosecurity matter, carriers and potential carriers. The Act was enacted to provide for the identification, classification and control of Priority Weeds with the purpose of determining if a biosecurity risk is likely to occur.

The Biodiversity Development Assessment Report (**Appendix 5**) provides a schedule of the five Priority Weeds for Greater Sydney Region (including the Sutherland Shire LGA), that have been recorded in the study area (along with their associated general biosecurity duty).

5.6.8 Sutherland Shire Local Environmental Plan 2015

5.6.8.1 Zoning and Objectives

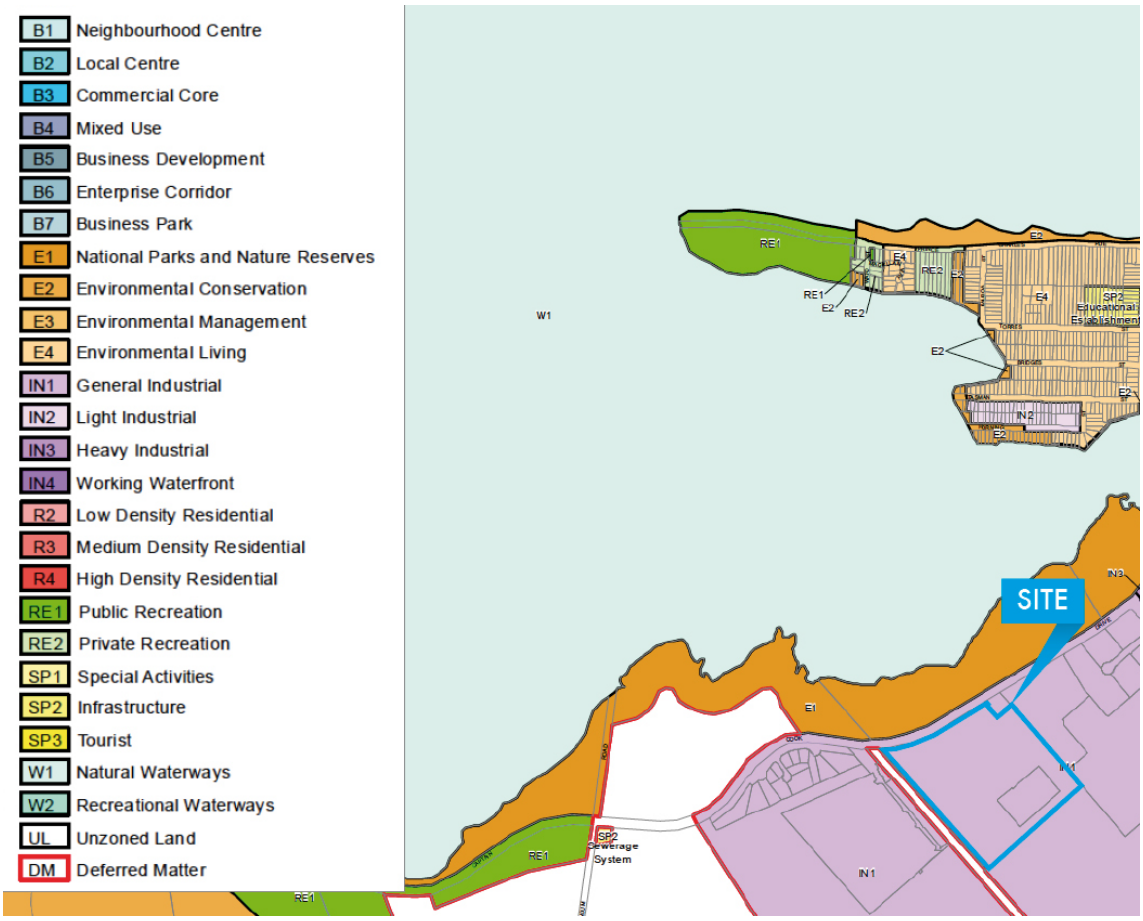
The site is located within the IN1 (General Industrial) Zone pursuant to the Sutherland Shire Local Environmental Plan 2015 ("the LEP") (**Figure 6**). The objectives of Zone IN1 are:

- *"To provide a wide range of industrial and warehouse land uses.*
- *To encourage employment opportunities.*
- *To minimise any adverse effect of industry on other land uses.*
- *To support and protect industrial land for industrial uses.*
- *To enhance the visual appearance of the employment area by ensuring new development achieves high architectural and landscape standards.*
- *To minimise the impact of development in the zone on areas of environmental significance."*

The proposed development is consistent with the objectives of the IN1 Zone in that:

- it provides for a warehouse and distribution centre land use;
- it will generate employment opportunities, being approximately 548 operational jobs;
- it will not conflict with the industrial character of adjoining land uses;
- it will redevelop the site for an industrial related purpose;
- it will enhance the visual appearance of the prevailing employment and industrial area and achieve high architectural and landscape standards; and
- it incorporates an appropriate mitigation measures to minimise its impacts on native vegetation and flora and fauna habitats and areas of environmental significance.

Figure 6: Zoning



5.6.8.2 Permissibility

The following development is permitted with consent in the IN1 Zone (our **emphasis**):

> *"Depots; Freight transport facilities; Funeral homes; Garden centres; General industries; Hardware and building supplies; Industrial training facilities; Kiosks; Landscaping material supplies; Light industries; Neighbourhood shops; Places of public worship; Plant nurseries; Roads; Take away food and drink premises; Timber yards; Vehicle sales or hire premises;* ***Warehouse or distribution centres****; Any other development not specified in item 2 or 4"*

The following development is prohibited in the IN1 Zone:

> *"Advertising structures; Agriculture; Air transport facilities; Airstrips; Amusement centres; Biosolids treatment facilities; Boat building and repair facilities; Boat launching ramps; Boat sheds; Camping grounds; Caravan parks; Cemeteries; Charter and tourism boating facilities; Child care centres; Commercial premises; Community facilities; Eco-tourist facilities; Educational establishments; Entertainment facilities; Exhibition homes; Exhibition villages; Farm buildings; Forestry; Function centres; Health services facilities; Heavy industrial storage establishments; Heavy industries; Helipads; Highway service centres; Home-based child care; Home businesses; Home occupations; Home occupations (sex services); Jetties; Marinas; Open cut mining; Recreation facilities (major); Registered clubs; Residential accommodation; Respite day care centres; Restricted premises; Rural industries; Sewage treatment plants; Tourist and visitor accommodation; Water recycling facilities; Water supply systems; Wharf or boating facilities; Wholesale supplies"*

For reference, the LEP defines a 'warehouse and distribution centre' to mean:-

> *"a building or place used mainly or exclusively for storing or handling items (whether goods or materials) pending their sale, but from which no retail sales are made."*

The proposed warehouse and distribution centre is consistent with the above definition and is therefore permissible with consent within the IN1 (General Industrial) Zone.

The development incorporates office space within a part two-, part three-storey building at the northern end of the warehouse. This office use is associated with the ongoing day-to-day operation and management of the warehouse and distribution centre and is an ancillary use.

The purpose of the office use is strictly to serve the day-to-day administration and management operations of the warehouse which is the dominant purpose of the development. All staff on site in the office building are involved in sales, purchasing and other management functions for the goods that are received to, stored in, and dispatched from, the warehouse. Dicker Data distributes on behalf of a range of companies to resellers who provide services to a range of end users such as Telstra, government agencies and banks. The logistics/warehouse/ supply /sales team have specialist product knowledge and experience to assist resellers tailor their clients/customers computer/IT solutions to suit their clients/customer's needs. The technology support, supply sales and logistics management are handled by the same people. The work environment is highly interactive with staff working closely together, whether based in the office building or warehouse elements, and with considerable movement between to two. All staff (office building and warehouse based) attend regular training sessions and regular meetings and work together to meet customer requirements and maintain an understanding of the product range. The office is an integral part of the warehouse function. The office use is subordinate and subservient to the dominant use of the warehouse and distribution centre.

Dicker Data Pty Ltd is a major distributor of high value computer software, hardware and related products. It is reasonable to expect the administration and operational management of the such high value and specialised products in the warehouse to require ancillary office space that is subservient to the dominant use.

5.6.8.3 Maximum Building Height

Pursuant to Clause 4.3, the site is subject to a maximum building height control of 16 metres. For reference, 'building height or (height of building)' is defined to mean:-

> *"(a) in relation to the height of a building in metres—the vertical distance from ground level (existing) to the highest point of the building, or*
>
> *(b) in relation to the RL of a building—the vertical distance from the Australian Height Datum to the highest point of the building,*
>
> *including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like."*

Measured in accordance with this definition, the proposal has a maximum height of 14.05 metres within a predominantly two-storey building form. This complies with Clause 4.3.

5.6.8.4 Floor Space Ratio

Pursuant to Clause 4.4, the site has a floor space ratio (FSR) control of 1:1. Measured in accordance with relevant definitions in the LEP, the proposed development has a gross floor area (GFA) of 46,360 sqm. Calculated against the site area of 169,000 sqm, the proposal will have a resultant FSR of 0.28:1. This is compliant with the FSR control.

5.6.8.5 Minimum Lot Size

Pursuant to Clause 4.1, the site is subject to a 1,000 sqm minimum lot size.

The proposal includes boundary realignment between Lot 1 in DP 1077972 and Lot 2 in DP 1088703. Existing Lot 1 in DP 225973 will be consolidated into the new lot. Details of the proposed realignment and lot consolidation are provided in the subdivision plan (**Appendix 2** of **Volume 2**). The newly created lots will exceed the minimum 1,000 sqm control.

5.6.8.6 Landscaped Area

Pursuant to Clause 6.14, the minimum percentage of the site that is to consist of landscaped areas is 10%. The LEP defines 'landscaped area' to mean as follows:-

> "***landscaped area*** *means a part of a site used for growing plants, grasses and trees, but does not include any building, structure or hard paved area.*"

As detailed on the landscape plans, the proposal provides 6.4 ha landscaped area or 38% of the site area.

5.6.8.7 Acid Sulfate Soils

Pursuant to Clause 6.1, the site is affected by Class 3 and Class 4 Acid Sulfate Soils. Therefore development consent is required to carry out of the following works:

Class of Land	Works
3	*Works more than 1 metre below the natural ground surface.* *Works by which the watertable is likely to be lowered more than 1 metre below the natural ground surface.*
4	*Works more than 2 metres below the natural ground surface.* *Works by which the watertable is likely to be lowered more than 2 metres below the natural ground surface.*

Development consent for the above works must not be granted unless:

> *"(a) an acid sulfate soils management plan has been prepared for the proposed works in accordance with the Acid Sulfate Soils Manual and has been provided to the consent authority, and*
>
> *(b) the consent authority is satisfied that any disturbance of acid sulfate soils resulting from the works will be managed so as to minimise adverse impacts on natural waterbodies, wetlands, native vegetation, agriculture, fishing, aquaculture and urban and infrastructure activities."*

The application is accompanied by a Supplementary Acid Sulphate Soil Investigation Report prepared by Douglas Partners (**Appendix 3**). The Report concludes as follows:

> *"Actual acid sulphate soils (AASS) are described as soils that are producing acid in their current state. Potential acid sulphate soils (PASS) are described as soils that are not currently producing acid but may do if exposed to oxidation (i.e. following excavation or lowering of the groundwater table). Assessment of the ASS screening test results and the SPOCAS test results against the ASSMAC action criteria indicates that AASS or PASS are not present within 2 m of the current ground surface levels. As such, an ASSMP will not be required for excavation activities within the upper 1 m of the soil profile on the site."*

5.6.8.8 Heritage Conservation

The site does not contain any heritage items and is not within a heritage conservation area. However, Captain Cook Drive is local heritage item (ID Ref: A2523) and Towra Point Nature Reserve and Quibray Bay to the north of the site is a State heritage item (ID Ref: 2509).

The accompanying Aboriginal Cultural Heritage Assessment Report (**Appendix 7**) sets out recommendations based upon legal requirements and automatic statutory protections for Aboriginal heritage where it is an offence to knowingly or unknowingly harm an Aboriginal object. Recommendations are also based on views expressed by the Registered Aboriginal Parties to the assessment. The Report provides the following summary statement:

> *"The evidence of the Aboriginal occupation of the subject land is limited in extent and concentration. It is of low archaeological significance, but retains significance to the local Aboriginal community as part of the broader Aboriginal landscape of the Kurnell peninsula."*

The accompanying Historical Archaeological Assessment and Statement of Heritage Impact Report (at **Appendix 8**) is the companion document to the Aboriginal Cultural Heritage Assessment but it relates only to historical (European, non-indigenous) heritage significance.

The Report provides the following conclusions and recommendations:

"The study area has no demonstrable historical cultural heritage significance nor historical archaeological sensitivity. Consequently, the proposed development will not impact on the heritage values of the place directly. With respect to potential impacts on heritage items nearby, the proposed development is unlikely to alter the cultural heritage values of these items/localities in any measurable way.

….

The study area does not contain any vestiges of past use that have inherent historic heritage or historical archaeological value or significance, and consequently, there are no non-indigenous heritage impediments to the proposed data warehousing redevelopment being undertaken as envisaged."

Pursuant to S146 of the Heritage Act, the inadvertent discovery of relics during excavation or construction will be reported to the Heritage Council in a timely and appropriate manner.

5.6.8.9 Environmentally Sensitive Land

The site contains 'groundwater vulnerability', 'riparian lands and watercourses' and 'terrestrial biodiversity' environmentally sensitive land. Development consent must not be granted on land containing environmentally sensitive land unless the consent authority is satisfied that:

"(a) the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or

(b) if that impact cannot be reasonably avoided by adopting feasible alternatives—the development is designed, sited and will be managed to minimise that impact, or

(c) if that impact cannot be minimised—the development will be managed to mitigate that impact."

The DA is accompanied by specialist reporting in relation to the impacts of the development on 'groundwater vulnerability', 'riparian lands and watercourses', and 'terrestrial biodiversity'.

The Biodiversity Development Assessment Report confirms that the study area is mapped as containing Groundwater Vulnerability and that it supports groundwater dependent ecosystems associated with the Botany Sand Bed aquifer (in Appendix 8 of the Risk Assessment Guidelines for Groundwater Dependent Ecosystems (DPI 2012a)). As such, the development has been assessed in accordance with the NSW DPI Office of Water Aquifer Interference Policy (DPI 2012b).

The NSW DPI step-by-step guide for assessing development against the NSW Aquifer Interference Policy states that if an activity is not defined as an aquifer inference activity, then assessment is not required under the Aquifer Interference Policy. The Water Management Act defines an aquifer interference activity as an activity involving any of the following:

- The penetration of an aquifer.
- The interference with water in an aquifer.
- The obstruction of the flow of water in an aquifer.
- The taking of water from an aquifer in the course of carrying out mining, or any other activity prescribed by the regulations, and/or the disposal of that water.

The Biodiversity Report concludes that the proposed development will not result in an aquifer interference activity and as such, will not impact upon groundwater dependent ecosystems.

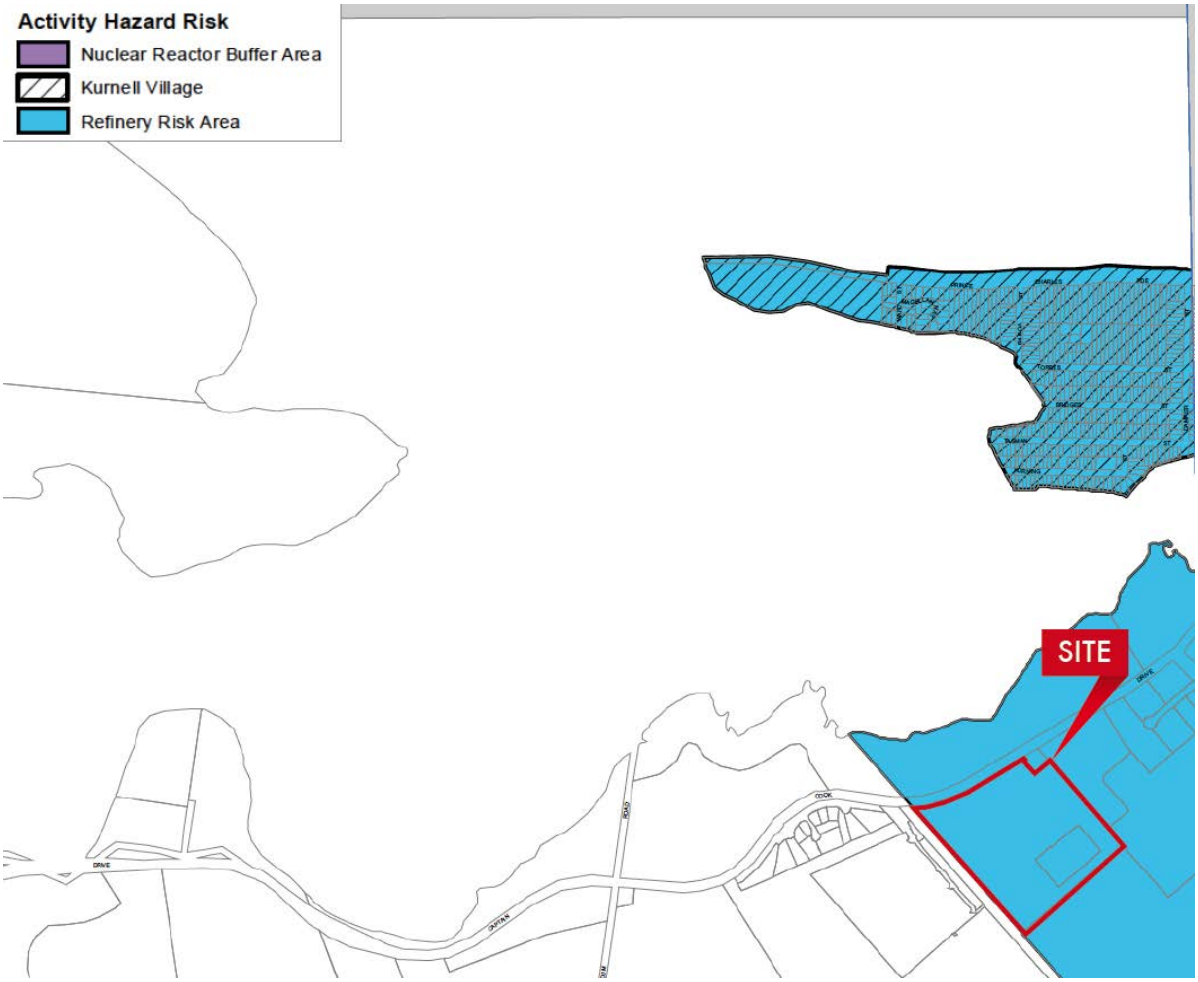
There are four threatened flora species and 22 threatened fauna species that have been recorded or are predicted to occur in the locality. However, as no impacts to significant flora of fauna habitats will result from the proposal, and no listed species were recorded on the study area, no impacts to threatened species will occur. The Biodiversity Report concludes that significant impact on threatened species is unlikely to result from the development.

The Ramsar wetland Towra Point Nature Reserve is located approximately 250 metres from the site. However, the Report found that the study area does not flow directly into the Ramsar site and therefore significant impact is unlikely to result from the proposed development.

5.6.8.10 Activity Hazard Risk

The site is within the defined Refinery Risk Area as shown on the following LEP extract.

Figure 7: Refinery Risk Area



Development consent must not be granted unless the consent authority has considered the contents of reports relating to Kurnell Peninsula about the following matters that have been prepared by the Department:

"(a) risk assessment,

(b) transportation,

(c) dangerous goods routes,

(d) guidelines on risk assessment criteria and methodology."

The site is approximately 800 metres from the closest storage tank on the former oil refinery site. The *Land Use Safety Study - Kurnell* Peninsula (February 2007) published by the DPE found that significant impacts, other than very low frequency extreme events, are largely contained within the refinery boundary and that the public risks from the Caltex storage tanks are low and meet NSW Government criteria.

Nevertheless, risks can never be totally eliminated and consequently it is important that emergency procedures are in place. An emergency response plan has been prepared to manage this and other emergencies in the area.

5.6.8.11 Energy Efficiency and Sustainable Building Techniques for Commercial and Industrial Developments

Clause 6.15 provides that development consent must not be granted to development for the purposes of commercial premises or industries unless the consent authority has considered:

(a) "the extent to which potential energy consumption may be reduced during the construction and lifecycle of buildings,

(b) the extent to which sustainable natural resources, such as the sun and wind, will be used in the buildings to create naturally comfortable working environments,

(c) the extent to which building materials and construction techniques are ecologically sustainable and will:

i) minimise the expenditure of energy (including, in the case of building materials, any expenditure of energy involved in their manufacture), and

ii) maximise the useful lifecycle of buildings,

(d) the extent to which waste generated in any demolition of a building will be minimised,

(e) the extent to which waste generated during construction or during the lifecycle of buildings will be minimised through design and on-site waste management."

The Sustainability Report (**Appendix 12**) describes the energy efficiency measures that are incorporated in the development.

The Operational Waste Management Plan and the Construction Waste Management Plan prepared by Waste Audit and Consultancy Services (at **Appendices 15** and **16**) detail the extent to which demolition waste and waste generated during construction and throughout the lifecycle of the building will be minimised through design and on-site waste management.

5.6.8.12 Flood Planning

Clause 6.3 aims to minimise flood risk, allow development that is compatible with flood hazards, and avoid significant adverse impacts on flood behaviour and the environment. The Clause applies to flood planning areas and other land at or below the flood planning level.

The site is not identified as being within the flood planning area under the LEP. The accompanying Flood Study Report prepared by Taylor Thomson Whitting (NSW) Pty Ltd (at **Appendix 19**) provides a comprehensive assessment of the existing flow regimes and evaluates the effects of the proposed development on flood behaviour. The Report provides pre- and post-development comparison and identifies recommended flood planning levels.

Key flood planning strategies to be incorporated into the development include the following:

- *"Freeboard is to be provided through setting the flood planning levels as outlined in Table 2.*
- *The development shall incorporate the flood planning considerations outlined in Section 5 above.*
- *All flood proof walls shall be constructed from flood compatible materials and designed to withstand pressure and impacts from debris carried in floodwaters.*
- *The design shall also be certified by a structural engineer engaged on the development.*
- *An alarm warning system, flood warning and evacuation route signage is recommended to be incorporated as part of the development. Flood warning signage shall also be erected within the car park."*

The Flood Study Report describes the site emergency response flood plan as follows:

> *"A site emergency response flood plan detailing the flood inundation and mitigation measures as well as the proposed relocation of people to a safe location should be implemented by operations and management. The staff employed at the new development will be required to be trained for typical emergency situations such as fires. In addition to this generalised training the management of a flood event can also be incorporated into the responsibility of staff members. It is recommended that a flood plan address the following items:*
>
> - *The training and action required for the management of a flood event including the deployment of any flood mitigation measures and relocation of persons.*
> - *Similarly to fire wardens, flood wardens can be appointed and made responsible for managing the evacuation procedures. Flood evacuation drills can also be scheduled to ensure all persons are aware of the correct procedure.*
> - *The maintenance and operation schedules of any alarm and warning systems implemented. E.g. a ball float alarm system can in installed within the lower lying pits which would then sound and activate alarms and any flood mitigation measures.*
> - *Locations of the appropriate flood warning signage."*

The Flood Study Report concludes that the proposed development has the potential to lead to significant adverse changes in the existing flow regimes if a flood management strategy is not adopted during the design and development stage of the project. The measures outlined in the Flood Study Report extend beyond the traditional management measures to consider the overall impact of the development on the surrounding areas and wider catchment.

5.6.8.13 Urban Design

Clause 6.16 provides that the consent authority must consider the following:

(a) *"the extent to which high quality design and development outcomes for the urban environment of Sutherland Shire have been attained, or will be attained, by the development,*

(b) *the extent to which any buildings are designed and will be constructed to:*

  i) *strengthen, enhance or integrate into the existing character of distinctive locations, neighbourhoods and streetscapes, and*

  ii) *contribute to the desired future character of the locality concerned,*

(c) *the extent to which recognition has been given to the public domain in the design of the development and the extent to which that design will facilitate improvements to the public domain,*

(d) *the extent to which the natural environment will be retained or enhanced by the development,*

(e) *the extent to which the development will respond to the natural landform of the site of the development,*

(f) *the extent to which the development will preserve, enhance or reinforce specific areas of high visual quality, ridgelines and landmark locations, including gateways, nodes, views and vistas,*

(g) *the principles for minimising crime risk set out in Part B of the Crime Prevention Guidelines and the extent to which the design of the proposed development applies those principles."*

The proposal is consistent with the objectives of Clause 6.16 in that the design of the building exhibits high quality design and development outcomes for the urban environment.

The proposal has been designed to provide a sense of transparency and connection with the outdoor landscape. The ground plane glazed façade is fully operable, which blurs the line between outdoor and indoor connection. To emphasise the sense of arrival, a double height glazed portal 'hub' is recessed between two building elements which provide a dramatic juxtaposition between transparent and solid elements, emphasising the difference in intended use. The 'Hub' is a focal and central entry point for workers to congregate, highlighting the importance of connectivity and unity between the functional operations of the company. The permeable canopy structure which sails above the boardwalk entry, reflection pool and café, further solidifies the importance of unity, emphasising the strong link between both buildings.

5.6.8.14 Development in areas subject to aircraft noise

Clause 6.13 requires that warehouse and distribution centres are to meet the indoor design sound levels shown in Table 3.3 (Indoor Design Sound Levels for Determination of Aircraft Noise Reduction) in AS 2021 – 2000 if they are within an ANEF contour of 30 or greater.

However, the development site is within an ANEF contour between 25-30 and therefore Clause 6.13 does not apply to the proposal.

5.6.8.15 Stormwater Management

Clause 6.4 provides that development consent must not be granted in industrial zones unless the consent authority is satisfied that the development:

(a) "is designed to maximise the use of water permeable surfaces on the land having regard to the soil characteristics affecting on-site infiltration of water, and

(b) includes, if practicable, on-site stormwater retention for use as an alternative supply to mains water, groundwater or river water, and

(c) avoids any significant adverse impacts of stormwater runoff on adjoining properties, native bushland and receiving waters, or if that impact cannot be reasonably avoided, minimises and mitigates the impact."

The Stormwater Management Plan prepared by Taylor Thomson Whitting (NSW) Pty Ltd (at **Appendix 10**) describes the stormwater management infrastructure that is incorporated into the development in relation to sediment and erosion control measures, primary components of the pit/piped drainage network, and the permanent water quality/quantity systems.

The proposed stormwater management system for the development is designed to capture flows from impermeable surfaces including courtyards open to the sky. The system includes:

- "*Pit and pipe drainage network to collect runoff from areas;*
- *Stormwater flows up to the 5% annual exceedance probability event are conveyed by a minor drainage system; and*
- *Stormwater flows above the 5% annual exceedance probability event are conveyed by a major drainage system consisting of overland flow paths.*"

It is noted that the flowrates generated to size the internal pit and pipe network are based off Australian Rainfall and Runoff – A Guide to Flood Estimation 2016.

The Stormwater Management Plan provides the following conclusion:

> "*Development has the potential to lead to significant adverse changes in water quantity and quality leaving the site if a water sensitive urban design management strategy is not adopted during the design and development stage of the project. The measures outlined in this report consider the overall impact of the development on the surrounding man-made and natural environments. Best practices must encompass the effects of flooding, water quality and maintenance of these items to develop an appropriate water management strategy to ensure that development occurs in an ecologically sustainable way.*"

The results from the stormwater infrastructure investigations and modelling as summarised in the accompanying Stormwater Management Plan indicate that the development can provide a safe and ecologically sustainable environment with the proposed stormwater network and water sensitive urban design management strategy.

5.6.8.16 Other LEP Provisions

There are no other relevant LEP provisions applicable to the site or proposed development in relation to earthworks, airspace operations, foreshore building, land reservation acquisition, or additional permitted uses.

5.6.9 Sutherland Shire Development Control Plan 2015

Clause 11 of State Environmental Planning Policy (State and Regional Development) 2011 provides that development control plans do not apply to State significant development.

The Sutherland Shire Development Control Plan 2015 ('the DCP') was approved by the Sydney South Planning Panel on 25 July 2017 and came into force on 2 August 2017. The DCP complements the LEP to deliver Council's Community Strategic Plan. The Strategic Plan outlines the community's aspirations and long-term vision for Sutherland Shire.

The table below assesses the proposal against relevant considerations in the DCP.

Table 5: DCP Provisions

DCP 2015	Development Controls	Compliance
Chapter 28 - Industrial and Business Zones - IN1 (General Industrial) Zone		
Part 2 **Streetscape and Building Form**	Relevant development controls: • Facades are to be composed with an appropriate scale, rhythm and proportion responding to context and use. • Façades must be articulated where visible from the street. Where blank walls are unavoidable, landscaping is required to reduce visual impact from the public domain. • Building entrances must be clearly defined and located. • Highly reflective materials are not acceptable for roof or wall cladding. • Incorporate passive solar building design principles. • Development on sites in excess of 1,000 sqm in area must incorporate an outdoor staff recreation area. • Each unit within an industrial unit complex must provide an office space of at least 12 sqm. • External energy efficient lighting systems are required. • Frontage works for all new development must be in accordance with the SSC Public Domain Design Manual. • Where high voltage power lines are not located in the site frontage, frontage works must include bundling of local distribution power lines, other utilities and street lighting.	Yes Yes Yes Materials with low reflectivity are proposed Yes Yes, see landscape plans for details Yes Can comply Yes Not applicable
Part 3 **Building Setbacks**	Relevant development controls: • Development on Captain Cook Road requires a minimum setback 20 metre setback from the street frontage. • Nil setbacks to side and rear boundaries are permitted. • Development adjoining public reserves must have a 3 metre minimum landscaped setback the public reserve.	Complies Complies Yes
Part 4	Relevant development controls:	Yes, the

DCP 2015	Development Controls	Compliance
Daylight Access	• Provide for the potential use of solar energy collectors by incorporating pitched roofs with optimal solar access. • Offices should be designed to achieve daylight access. • Provide skylights to improve energy efficiency.	development is suitably designed to achieve daylight access to improve energy efficiency.
Part 5 **Acoustic Privacy**	Development incorporating noise generating equipment must be designed to protect the acoustic amenity of surrounding land uses. Noise generating equipment must be acoustically treated and/or screened to meet project specific noise criteria.	Yes, the Noise Impact Assessment (at **Appendix 20**) confirms that the proposal meets all relevant criteria.
Part 6 **Landscaping**	Relevant development controls: • A landscaped strip with minimum width of 3 metres must be provided adjacent to the front boundary. • Planting beds of minimum 1.5m width must be provided to side boundaries within the front setback. • Landscaping should provide a mix of indigenous canopy trees spaced at 3m intervals together with screen shrubs. • At least 50% of the trees must be capable of achieving a height of at least 6 metres at maturity. • Car parking areas must provide tree blisters 5.0 x 2.5m between every six car spaces or a continuous planting bed 3 metres wide between rows of cars. • Landscaping must be separated from hard paved areas. • Fencing is permitted along Captain Cook Drive for security but must be 3 metres behind the front boundary. • Fencing built within front or side setbacks or boundary of a public reserve is to have maximum height 1.8m.	The development complies with all relevant landscaping requirements within the DCP. See attached landscape plans at for details.
Part 7 **Access**	Relevant development controls: • Continuous, independent access must be provided. • Safe emergency egress is to be provided for all users. • Ramps, Walkways, Lifts and stairs are to be conveniently located and safe. • Signage must clearly identify and direct access routes.	The development includes appropriate vehicular and pedestrian access.
Part 8 **Safety and Security**	Development is to be designed in accordance with Crime Prevention through Environmental Design Guidelines.	The design incorporates CPTED principles, particularly with regards to general surveillance of the building.

<table>
<tr><th>DCP 2015</th><th>Development Controls</th><th>Compliance</th></tr>
<tr><td>Part 9

Parking Requirements</td><td>Car parking shall be provided in accordance with the below:
<table><tr><th colspan="2">Commercial Premises</th></tr><tr><td>Business premises</td><td>1 space per 45 sqm (GFA).</td></tr><tr><td>Retail premises</td><td>1 space per 45 sqm (GFA).</td></tr><tr><th colspan="2">Specific Uses</th></tr><tr><td>Warehouse or distribution centres</td><td>1 space per 300 sqm.</td></tr></table>Relevant development controls:
• Where the car parking requirement is expressed as a minimum number of spaces, the development shall not exceed that minimum.
• Traffic Generating Development is required to comply with the RTA Guide to Traffic Generating Development.
• 1 unisex shower is required per 10 employees.
• Vehicle access should be from the lowest order road. Vehicle entry points from classified roads are only acceptable where no other access point is possible.
• Bicycle parking spaces must be provided at the rate of 1 space per 10 car parking spaces for the first 200 car spaces, then 1 space per 20 parking spaces thereafter.
• Where two or more land uses are proposed, the parking requirement shall be the parking sum of each land use.
• Car parking layout and vehicular access and design are to be in accordance with relevant Australian Standards.
• Driveway locations are to be determined by building design and orientation, street gully pits and street trees.</td><td>Office space requirement = 153
Warehouse or distribution centre requirement = 132
285 required
390 proposed

Yes, see above.

Yes
Staff facilities provided
Access is provided via Captain Cook Drive.
Yes, 30 required and proposed.

Yes
Yes, see Traffic Impact Assessment at Appendix 5.</td></tr>
<tr><td>Part 11

Waste from Industrial, Commercial and Educational Establishments</td><td>Relevant development controls:
• Waste storage areas are to be provided to store bins for general waste and recyclables. Storage areas must not detract from amenity and character of the streetscape.
• Waste and recycling facilities must prevent litter and contamination of the stormwater drainage system.
• Bin storage and access should take into consideration future servicing requirements of the development.
• Commercial and industrial uses require waste storage areas for 240L and/or 750L garbage bins and 240L recycling bins, having regard to size and intensity of use.
• The site and driveway must accommodate waste collection vehicles used by the garbage service provider.</td><td>Complies</td></tr>
</table>

DCP 2015	Development Controls	Compliance
Chapter 35 - Other uses		
Part 1 **All other Uses: Streetscape, Building Form and Siting**	Where development comprises uses not specified elsewhere in the Draft DCP, it must comply with the following controls: • Streetscape and Building Form; • Building Setbacks; • Landform; • Landscaping; • Solar Access (for adjoining properties); and • Privacy (for adjoining properties).	Yes, the development complies with all relevant DCP provisions
Part 6 **Signage**	New signage must: • satisfy the desired amenity and character of an area; • provide effective communication in suitable locations; • be of a high quality design and finish; • integrate with the building design and surrounding uses; • not dominate or clutter the streetscape; and • not reduce safety of roads or pedestrian paths.	Complies
Chapter 36 - Vehicular Access, Traffic, Parking and Bicycles		
Part 1 **Number of Parking Spaces**	Car parking shall be provided in accordance with the car parking requirements detailed in Part 10 of Chapter 28 (set out above).	Yes
Part 2 **Design of Car Parking Areas**	Relevant development controls: • On-site car parking spaces shall be in accordance with Australian Standard – AS 2890.1 and – AS 2890.6. • Parking spaces shall comply with the dimensional and maneuvering requirements of the 85th percentile vehicle. • Parking spaces to have a minimum clearance of 2.2 metres from the finished floor level of the space and adjacent driveway area to any structure over the parking space.	Yes Yes Yes
Part 3 **Vehicular Access and Driveways**	Relevant development controls: • Where a development is on the lower side of the roadway or basement car parking is proposed, the driveway is to be a maximum grade of 5% for 3 metres inside the boundary to provide suitable sight lines and stopping distance. • Development must minimise conflicts between vehicles and pedestrians in designing driveways and roadways.	Not applicable Yes
Part 4 **Loading and Unloading**	Relevant development controls: • Development shall be designed in accordance with the	Yes

DCP 2015	Development Controls	Compliance
Facilities	loading and service vehicle requirements of AS2890.2 and the *RTA Guide to Traffic Generating Developments*. • All loading, unloading and manoeuvring of vehicles shall take place within the curtilage of the site, and vehicles are to enter and exit in a forward direction at all times. • Separation of service vehicles from other vehicular and pedestrian traffic is required and where loading and service vehicle movements occur.	Yes, see architectural plans for details Yes
Part 5 **Provision of Facilities for Cycling**	Relevant development controls for all development: • One bicycle space per 10 car parking spaces for first 200 car spaces, then 1 space per 20 spaces thereafter. • Facilities must satisfy AS2890.3 – Bicycle Parking Facilities and Austroad's *Guide to Traffic Engineering Practice*.	Yes, 30 required and 30 provided Yes
Chapter 38 Stormwater and Groundwater Management		
Part A **Stormwater Management**	New development must demonstrate that an appropriate stormwater management system is proposed which includes the re-use of water and controls the rate of flow of discharge. The site has 'high' soil infiltration potential	A Stormwater Management Plan is provided at **Appendix 8**.
Part B **Groundwater Management**	Groundwater management objectives seek to: • maintain the natural groundwater hydrology, • protect the quality of existing groundwater, • control and regulate groundwater usage, • control and limit impervious areas, • minimise cut and fill disturbances to ground water flows.	Complies
Chapter 39 Natural Resource Management		
Part 1 **Biodiversity Strategy – Greenweb**	Greenweb seeks to conserve and enhance bushland and biodiversity by identifying and managing key areas of bushland habitat and establishing interconnecting linkages and corridors. The development site is mapped to include 'Greenweb Core Areas' and 'Greenweb Support Areas' Controls for 'Greenweb Core Areas' are as follows: • Development should maintain habitats in a configuration and size that ensures ongoing viability and sustainability. • Development should ensure connectivity between bushland remnants. To achieve this, corridors should be of a scale commensurate with the habitats they connect. Controls for 'Greenweb Support Areas' are as follows: • Development should, through its siting, design and landscape treatment, maximise habitat values and minimise disruption to connectivity through:	Complies

DCP 2015	Development Controls	Compliance
	a) continuous canopy and understorey planting along one boundary, or b) retention and revegetation of remnant bushland. • Treatment will depend upon the scale of the bushland remnants or the quality of remnants retained on site.	
Part 2 **Wetlands and Waterways**	The site contains land marked 'Wetlands' and 'Wetlands Buffer'. Relevant development controls include: • Development shall minimise changes to the local surface runoff and groundwater flows to ensure that appropriate water flow is maintained to wetlands and waterways. • Stormwater flow should mimic natural conditions and ensure a dispersed pattern of flow. • Disturbance to stream and wetland sediments must be minimised by regulated discharge of stormwater flows. • Development shall not result in detrimental changes to temperature, salinity, chemical makeup and sediment loads of water entering the wetland or waterway. • There shall be no clearing of indigenous vegetation within wetlands or riparian zones and clearing of indigenous vegetation in Wetland Buffer Areas shall be minimised. • Connectivity between waterways and riparian vegetation must be maintained. Landscaping must reflect the natural environment in terms levelling and vegetation distribution.	Appropriate measures are recommended in the attached Stormwater Management Plan (see **Appendix 10**)
Part 3 **Threatened Species**	The site contains 'Threatened Species' and 'Threatened Species - Buffer'. Development will need to address relevant considerations of the Threatened Species Conservation Act 1995, NSW Fisheries Management Act 1994, Environmental Protection and Biodiversity Conservation Act 1999, and Environmental Planning and Assessment Act 1979.	The Biodiversity Report concludes that the proposal is not likely to have a significant impact on threatened species and vegetation.
Part 4 **Tree and Bushland Vegetation**	Development must ensure the retention and protection of trees and bushland vegetation in Sutherland Shire and ensure the maintenance of the local scenic quality and tree character.	The development retains trees and vegetation on the site where possible. See the landscape plans for details.
Chapter 39 Environmental Risk		
Part A **Bush Fire**	The site is Bush Fire Prone Land 'Vegetation Category' and 'Vegetation Buffer'. Accordingly development must comply with *Planning for Bush Fire Protection 2006*. Relevant development controls that apply to bushfire prone land relate to asset protection zones and side setbacks.	The Bushfire Protection Report assesses compliance with relevant controls (see **Appendix 6**).

<table>
<tr><th>DCP 2015</th><th>Development Controls</th><th>Compliance</th></tr>
<tr><td>Part B

Contaminated Land Management</td><td>Development on contaminated land will need to determine:
the extent to which land is contaminated;
whether the land is suitable or can be made suitable;
whether the land requires remediation to be suitable for the intended use prior to development being carried out.
If the land has been previously investigated or remediated, development cannot be carried out until Council has determined that the land is suitable for the intended use as proposed.</td><td>Complies</td></tr>
<tr><td>Part C

Flood Risk Management</td><td>The site is not within a Flood Planning Area pursuant to the Sutherland LEP. The S149 Planning Certificate confirms that the site is not subject to flood related development controls.

The flood characteristics of the site are detailed in the Kurnell Township Flood Study (dated 15 June 2009).</td><td>A Stormwater Management Plan is attached to the proposal at Appendix 8.</td></tr>
<tr><td colspan="2">Chapter 40 – Social Impact</td><td></td></tr>
<tr><td>Social Impact</td><td>Social Impact Evaluation is required for the below proposals:<table><tr><th>Commercial Development</th><th>Heads of Consideration</th></tr><tr><td>Major Retail Complex
Mixed Commercial / residential
Sex Service Premises and restricted Premises
Service Station
Heavy Industry
Heavy Industry Storage</td><td>✓ Anti-social behaviour and crime prevention
✓ Access and mobility
✓ Culture and community values
✓ Quality of Life
✓ Economic advantage
✓ Contribution to environment
✓ Safety and security
✓ Transportation
✓ Community risk perception</td></tr></table>Where development requires a Social Impact Assessment, the above heads of consideration will need to be addressed.</td><td>A Social Impact Evaluation is not required for the proposal</td></tr>
</table>

The above assessment indicates that the proposal generally complies with controls and requirements of the Sutherland DCP; notwithstanding that development control plans do not apply to State significant development under the State and Regional Development SEPP.

6. ENVIRONMENTAL ASSESSMENT

The following assessment has been undertaken with reference to the environmental assessment requirements specified for the project (at **Appendix 1**), relevant environmental planning instruments, and relevant provisions of Section 4.15 of the EP&A Act.

6.1 Urban Design and Visual Impacts

6.1.1 Height, Bulk and Scale

Building height and setbacks are described in **Section 5** and comply with the relevant development standards of the LEP and the controls in the DCP. Bulk and scale of the development has been minimised in the following manner:

- Generous side boundary setbacks enabling the retention of vegetation on the site;
- The office component of the warehouse and distribution centre faces Captain Cook Drive and presents an attractive and modulated façade to the street;
- Generous landscaping to the street frontage provides an effective setting to the development.

Table 6: Boundary Setbacks

Boundary	Distance from site boundary (m)
Northern	20.6
Eastern	75.8
Western	147
Southern	18

6.1.2 Design Quality

Design quality including the overall site layout, setbacks, building form, materials, colours and perimeter landscaping are described in detail in **Section 3** of this EIS indicating that the design and location of building has evolved from a detailed consideration of the site and its context including the relationship to adjoining properties, topography, site vegetation and outlook. Key elements of the design include:

- The development sits comfortably on the site with proportions suitable to the site and its dimensions and enabling efficient movement of vehicles around the site;
- Generous and interesting landscaping is provided encouraging worker participation in the enjoyment of the grounds and the surrounding bushland;
- A development that is carefully designed to provide workers with outdoor space and a views to the surrounding environment;
- The development provides an attractive presentation to the street.

6.1.3 Existing Environment

Site conditions are described in **Section 2**. The design has been influenced by the characteristics of the site with the development located predominantly in that part of the site subject to previous development. This enables retention of bushland on the site along the eastern and western boundaries and the habitat corridor this provides.

The site has a gentle slope and a regular shape. All urban services are available. The development facilitates the remediation of the site and the management of contamination from previous industrial uses.

6.2 Traffic and Transport

6.2.1 Introduction

A Traffic Impact Assessment has been prepared by Arup (see **Appendix 21**) for the proposal. As stated in **Section 4**, proposed vehicular access to the site is via a singular driveway in the north eastern corner of the site for both light and heavy vehicles The proposed light vehicle exit/egress is on the southern corner of the sites frontage to Captain Cook Drive.

Heavy vehicles are proposed to enter and exit/egress at the sites two way access driveway at the north eastern corner. This will ensure that large vehicles unloading and loading at the warehouse and distribution centre will not have to traverse through the carp park area within the western portion of the site. Light vehicles will only exit via the southern driveway along Captain Cook Drive.

Captain Cook Drive is an unclassified RMS Regional Road (7031) that runs in an east west direction to the north of the site. Captain Cook Drive is an RMS approved heavy vehicle route that carries one lane of traffic in both directions. It is suitable for the proposed industrial use of the site for the purposes of a warehouse and distribution centre which will require heavy vehicle access from Captain Cook Drive.

6.2.2 Impacts During Construction

A detailed Construction Traffic Management Plan will be provided as part of the detailed construction management plan submitted under the conditions of approval. Notwithstanding, the Traffic Impact Assessment considers the likely traffic impacts during construction.

The construction traffic generated as a result of the proposal is expected to be lower than volumes anticipated for the proposed development once it becomes operational. It is therefore considered that there is ample capacity within the surrounding road network to support any increased traffic generation during construction of the development.

The proposed construction vehicle haulage routes are as follows:

Entry Routes

From North / West: right from Princess Highway to The Boulevarde, straight onto Captain Cook Drive and then into the Site.

Exit Routes

To North / West: Left onto Captain Cook Drive to The Boulevarde and left on Princess Highway.

6.2.3 Impacts During Operation

Traffic impacts of the proposal have been assessed in accordance with the RMS Guide to Traffic Generation Development (2002) and the RMS Guide to Traffic Generating Development TDT 2013/04. Consideration was also given to a first principles approach to traffic generation based on surveys of the existing premises. Traffic generation data was based on survey results retrieved at the existing Dicker Data Warehouse's driveway which revealed a 90:10 split of light vehicles and heavy vehicles during peak hours 8AM to 10AM. Accordingly, the following table estimates the traffic generation of the development:

Vehicle Type	**AM Peak**	**PM Peak**	**Daily**
Heavy Vehicle	18	8	238
Light Vehicle	131	144	780
TOTAL	**149**	**152**	**1,018**

The Traffic Impact Assessment (at **Appendix 21**) concludes that t TIA report satisfactorily addresses the traffic and transport related SEARs and it is concluded that the Proposal is supportable on traffic planning grounds.

6.2.4 Sustainable Transport Plan

A Sustainable Transport Plan has been prepared as part of the Traffic Impact Assessment (**Appendix 21**) to encourage future staff to travel via alternative modes of transport. The plan has the objective of decreasing private motor vehicle trips through site specific measures to promote and maximise the use of sustainable travel modes which include walking, cycling, public transport and car sharing.

6.2.5 Mitigation Measures

No mitigation measures are required.

6.3 Contamination

A Remediation Action Plan (at **Appendix 4**) is prepared to meet statutory requirements of SEPP55 and to outline the rationale for the proposed additional investigation and remedial works. It also provides proposed remedial methods to address soil and groundwater impacts to ensure that the site is suitable for the anticipated future industrial development use.

In terms of mitigation measures, the RAP proposes the following remedial strategy:

- *"Complete additional investigations to address gaps in site characterisation data as identified in Section 4.4 and 6 of the RAP.*
- *Emu pick any surface fragments containing asbestos, followed by asbestos clearance.*
- *For soil/fill impacted material above the adopted site suitability criteria, excavate and dispose offsite.*
- *Backfilling of excavations with ENM material.*
- *For areas where impacted material cannot be removed, the contamination will be consolidated and a cap and contain approach adopted, with residual impact subject to a long term Environmental Management Plan (EMP).*
- *The cap and contain strategy is proposed for asbestos containing concrete (originating from existing structures) which will be retained onsite as part of the proposed development either within landscaped mounds or within slabs over which further structures will be built.*
- *Following the delineation of any impacted groundwater, conduct a risk assessment and ongoing monitoring as required."*

The Interim Audit Advice (at **Appendix 4**) considers that the preferred remediation strategy outlined in the RAP is sufficiently robust with appropriate contingencies should contamination be greater than initially identified following the completion of the data gap investigation. It is concluded that the site is capable of being made suitable for the development providing that the (5 December 2017) RAP is implemented and the following conditions are met:

"1. Groundwater flow direction must be confirmed as part of the proposed additional works.

2. *The RAP should be reviewed following the completion of the data gap investigation to confirm it is still appropriate or whether it requires amendment based on the new findings. Any revised RAP should be reviewed by a Site Auditor.*
3. *Given the shallow groundwater and proximity of ecological receptors, soil validation criteria must be protective of underlying groundwater, such that residual soil conditions do not leach at unacceptable concentrations resulting in groundwater contamination into the future.*
4. *Any material imported to site must be certified as VENM or ENM (or other materials) as per the requirements of the resource recovery exemptions.*
5. *Any risk assessment prepared for the site must be provided to the Site Auditor for review and endorsement.*
6. *For any contamination remaining onsite under a 'cap and containment' strategy, a Long Term Environmental Management Plan (LT EMP) must be required. The EMP will need to be appropriate for the contamination remaining, will need to be made legally enforceable and will require public notification. The LT EMP will require review and endorsement by a Site Auditor."*

6.4 Soils and Water

6.4.1 Sedimentation and Erosion Control

The accompanying Stormwater Management Plan Report (at **Appendix 10**) details proposed temporary and permanent strategies that are intended to prevent potential soil degradation and pollution of waterways by limiting displacement of sediments caused by runoff from disturbed areas. The proposed sedimentation and erosion control measures are intended to effectively manage runoff and ensure no detriment occurs to the receiving environments.

6.4.2 Stormwater Design, Quantity and Quality

The key stormwater management strategies to be adopted include the following:

1. A pit and pipe network to collect all minor stormwater runoff up to the 5% AEP event with overland flow paths conveying major stormwater runoff up to the 1% AEP event.
2. Onsite Stormwater Detention shall be addressed by the combined provision of 4500m^3 of site storage. It is proposed to address this requirement through underground storage (pits, pipes, and tanks) and bio-retention basin and swales. Council's DCP allows a reduction to OSD volume through infiltration and rainwater tank offsets. Offsets to the site storage volume have not yet been proposed and as such the final arrangement of detention may be reduced during the detailed design phase.
3. EnviroPods at nominated inlet pits will form part of the water quality treatment train, removing pollutants and nutrients that are detrimental to downstream waterways.
4. A 350kL total rainwater harvesting and retention system is currently proposed to reduce the reliance on potable water whilst providing an improvement to the quality of stormwater discharge and a level of stormwater detention. The harvested rainwater will be connected for reuse as per the hydraulic engineer's details.
5. 20x460mm Stormwater360 Phosphosorb StormFilter cartridges will be housed within a vault inside the proposed Onsite Stormwater Detention tank to treat stormwater prior to discharge to the downstream drainage network.
6. Landscape buffers are to be provided as detailed on the architectural plans.
7. A vegetated swale will direct run off from impervious areas towards the bio-retention basin, effectively reducing the concentration of pollutants.
8. A bio-retention and detention basin with a filter media area of 170m^2 will filter pollutants and provide a level of stormwater attenuation.

The stormwater design and quality control measures have been designed in accordance with relevant water quantity and water quality guidelines provided by the Sutherland Shire Council. The development can provide a safe and ecologically sustainable environment with the proposed stormwater network and water sensitive urban design management strategy.

6.5 Waste Management

6.5.1 Construction Waste

The accompanying Construction Waste Management Plan (**Appendix 15**) was prepared in accordance with Council's Development Control Plan 2015, the EPA's *NSW Waste Avoidance and Resource Recovery Strategy*, relevant sections of the Protection of the Environment Operations Act 1997, the NSW Environment Protection Authority's *Waste Classification Guidelines, Part 1: Classifying Waste*, and consideration of industry best practice for this type of development. The Plan details the management of waste generated during construction of the development. The Plan seeks to ensure that all waste resulting construction activities is managed in an effective, safe and environmentally sensitive manner.

The site currently contains stockpiled fill material present at the site. This material has been tested for contamination and will be reused on the site as part of the fill required to raise the building platform above the flood level.

The Construction Waste Management Plan sets out waste management principles and impact mitigation recommendations specifically in relation to stormwater pollution prevention, litter management, waste/recyclables storage (on-site), waste/recyclables treatment (on-site), asbestos, construction materials, hazardous waste materials, and temporary waste storage.

6.5.2 Operational Waste

The accompanying Operational Waste Management Plan (at **Appendix 16**) addresses waste management requirements in relation to the following:

- details of the quantities and classification of all waste streams to be generated on-site;
- details of waste storage, handling and disposal; and
- details of the measures that would be implemented to ensure the development is consistent with the aims, objectives and guidance in the NSW Waste Avoidance and Resource Recovery Strategy 2014-2021.

The waste management plan has three key objectives:

> *1. Ensure waste is managed to reduce the amount of waste and recyclables to land fill by assisting staff and visitors of the Warehouse Buildings to segregate appropriate materials that can be recycled; displaying signage to remind and encourage recycling practices; and through placement of recycling and waste bins to reinforce these messages.*
>
> *2. Recover, reuse and recycle generated waste wherever possible.*
>
> *3. Compliance with all relevant codes and policies.*

Wastewater generated on site will be conveyed to Sydney Water sewer with appropriate grease trap treatment of café wastes prior to discharge. The development generates no wastewater from processing with the only wastewater to sewer being from staff and visitor amenities. There will be no sewage treatment on site.

6.6 Biodiversity

The accompanying arborist report (**Appendix 9**) shows all existing trees within the central part of the site on which the development is located. Vegetation in the extensive setback areas to the eastern and western boundaries has been assessed in the Biodiversity Development Assessment Report (**Appendix 5**).

The area of the site that will be impacted by construction consists of planted native and exotic trees and grasses. Trees within the building footprint will be removed with existing trees along the street frontage within the building setback retained. Significant additional planting is proposed. Measures to protect trees during construction are made.

The accompanying Biodiversity Development Assessment Report (at **Appendix 5**) assesses and documents the proposed development in accordance with the Biodiversity Assessment Method in the form required by the Biodiversity Conservation Act 2017. The Report concludes that the development is unlikely to have a significant impact on any threatened species, populations or ecological communities listed under the Biodiversity Conservation Act 2017 or the Commonwealth Environment Protection and Biodiversity Conservation Act 1999.

There are four threatened flora species and 22 threatened fauna species that have been recorded or are predicted to occur in the locality. However, as no impacts to significant flora of fauna habitats will result from the proposal, and no listed species were recorded on the study area, no impacts to threatened species will occur. The Biodiversity Report concludes that significant impact on threatened species is unlikely to result from the development.

The presence of threatened vegetation on the site has been considered during the design of the development and all direct impacts have been avoided. Where impacts to vegetation have been unavoidable they have been restricted to the poor condition, non-threatened dune scrub vegetation which is present along the site's eastern boundary. The limited habitat of Green and Golden Bell Frog and Wallum Froglet in the proximity of the man-made dam in the southern portion of the lot has also been retained as part of the proposal.

The study identifies native vegetation extending along the south-west corner containing Freshwater Wetland and Swamp Sclerophyll Forest Endangered Ecological Communities. The southern boundary contains Coast Banksia with a pocket of Bangalay Sand Forest in the southeastern corner. An area of Swamp Oak Forest lines the eastern boundary of the site.

The vegetated outer perimeters of the site are mapped as part of the Towra Point Estuarine Wetland, which is identified as being in the Directory of Important Wetlands of Australia. The site is also located approximately 250 metres to the south to the Towra Point Nature Reserve which is a Ramsar wetland. Ramsar Wetlands are representative, rare or unique wetlands and are included on the list of Wetlands of International importance developed under the Ramsar Convention. They are listed under the Environmental Protection and Biodiversity Conservation Act 1999 as matters of national environmental significance.

The BDAR concludes as follows:

> "*A total of 6.6 hectares of native vegetation was recorded within the study area representing three TECs. Avoidance of impacts to native vegetation, threatened ecological communities and threatened species habitat have been undertaken to restrict*

proposed impacts to 1.2 hectares of non-threatened and degraded coastal heath vegetation at the rear of the site.

No threatened species, or high quality habitats, were recorded within the study area during field investigation undertaken in accordance with the BAM. The vegetation integrity score of the vegetation to be impacted has been calculated as 5.8, and as such, in accordance with Section 10.3 of the BAM, offsets are not required for the proposed development.

No Matters of National Environmental Significance are likely to be impacted by the proposed development and as such, a referral of the project to the Commonwealth is not required."

6.6.1 Mitigation Measures

The following mitigation measures will be implemented to protect the retained biodiversity values of the site as detailed in the Biodiversity Development Assessment Report:

- During construction installation of appropriate exclusion fencing around trees and vegetation to be retained on the site. The fencing is to be implemented in accordance of the Biodiversity Development Assessment Report.
- All material stockpiles, vehicle parking and machinery storage is to be located within the cleared areas on the site.
- Appropriately dispose of native vegetation removed from the site and where possible re-use it in landscaping.
- Wet down areas to reduce dust generation during construction.
- Implementation of temporary stormwater controls during construction to ensure that discharges to drainage channels are consistent with the existing conditions.
- Implement sediment and erosion control measures.

The impacts of the development during operation are expected to be negligible and as a result no additional mitigation measures are required.

6.7 Heritage Impacts

6.7.1 Impacts

The site does not contain any heritage items and is not within a heritage conservation area. However, Captain Cook Drive is local heritage item (ID Ref: A2523) and Towra Point Nature Reserve and Quibray Bay to the north of the site is a State heritage item (ID Ref : 2509).

The accompanying Aboriginal Cultural Heritage Assessment Report (**Appendix 7**) sets out recommendations based upon legal requirements and automatic statutory protections for Aboriginal heritage where it is an offence to knowingly or unknowingly harm an Aboriginal object. Recommendations are also based on views expressed by the Registered Aboriginal Parties to the assessment. The Report provides the following summary statement:

"The evidence of the Aboriginal occupation of the subject land is limited in extent and concentration. It is of low archaeological significance, but retains significance to the local Aboriginal community as part of the broader Aboriginal landscape of the Kurnell peninsula."

The accompanying Historical Archaeological Assessment and Statement of Heritage Impact Report (**Appendix 8**) is the companion document to the Aboriginal Cultural Heritage Assessment but it relates only to historical (European, non-indigenous) heritage significance. The Report provides the following conclusions and recommendations:

"The study area has no demonstrable historical cultural heritage significance nor historical archaeological sensitivity. Consequently, the proposed development will not impact on the heritage values of the place directly. With respect to potential impacts on heritage items nearby, the proposed development is unlikely to alter the cultural heritage values of these items/localities in any measurable way.

The study area does not contain any vestiges of past use that have inherent historic heritage or historical archaeological value or significance, and consequently, there are no non-indigenous heritage impediments to the proposed data warehousing redevelopment being undertaken as envisaged."

6.7.2 Mitigation Measures

Pursuant to S146 of the Heritage Act, the inadvertent discovery of relics during excavation or construction will be reported to the Heritage Council in a timely and appropriate manner.

6.8 Acoustic Impacts

6.8.1 Operational Impacts

The accompanying Noise Impact Assessment Report prepared by WSP (**Appendix 20**) provides an acoustic assessment of the proposed development. The acoustic impacts of the proposal are assessed against the following noise and vibration criteria:

- Secretary's Environmental Assessment Requirements (SEARs) for SSD 8662, issued 18 January 2018;
- NSW EPA Noise Policy for Industry;
- NSW Department of Environment, Climate Change and Water (DECCW) Road Noise Policy; and
- Australian Standard AS2107:2016 – Recommended Design Sound Levels and Reverberation Times for Building Interiors.

Noise sources include:

- Mechanical plant for the building;
- Traffic noise;
- Noise from forklift trucks within the outside the building (although these will be electric).

Noise from vehicle movements is expected to be the dominant source. For this reason, it is considered highly unlikely that loading dock and car park operations will result in elevated industrial noise levels at nearby sensitive receivers.

The development is between 700 and 900 metres from the nearest residential areas and is well removed from surrounding industries.

The report provides the following concluding statements:

> *"Noise from mechanical plant will be controlled to meet noise criteria developed in accordance with the NSW Noise Policy for Industry. Controls such as selection of quiet equipment, physical attenuation controls, carefully selected locations and barriers will be considered for mechanical equipment. Car movements on and off the site at the access points, including delivery vehicles using the loading dock, are expected to comply with NPfI criteria.*
>
> *Noise ingress to offices and the cafe will be controlled to meet recommended design levels given in AS2107:2016. An indicative façade performance of 22 dB $R_w + C_{tr}$ is recommended for the offices, and 17 dB $R_w + C_{tr}$ for the café. Actual façade construction will be reviewed as the design progresses.*"

and

> *"Background noise measurements were conducted between 21 November and 5 December 2017 to determine environmental noise criteria for the development, in accordance with the NSW Noise Policy for Industry. Mechanical services will be designed to meet these criteria levels. Noise from loading dock activities and car park movements are predicted to comply with industrial noise criteria.*
>
> *Road traffic is not expected to increase by more than 60% due to the development and as such, road traffic noise criteria from the NSW Road Noise Policy will be met.*
>
> *The façade design will consider target internal noise levels as recommended by AS2107:2016. Ambient noise levels were measured during the unattended monitoring and were used to determine a required façade noise reduction level.*
>
> *Based on the assessments presented in this report, the proposed development is determined to be capable of complying with established development criteria."*

6.8.2 Construction Noise Impacts

Noise and vibration from construction activities will be controlled to meet the requirements given in the Interim Construction Noise Guideline (ICNG). The Managing Contractor is key to the provision of a Construction Noise and Vibration Management Plan (CNVMP) as part of the CEMP. Since the Managing Contractor will not be appointed until a later stage of the design it is recommended that a CNVMP is produced after appointment and prior to construction commencement.

The following construction practices and mitigation measures may be used to ensure the noise and vibration requirements are met throughout the process:

- *Undertaking all work during standard hours unless specific out-of-hours are undertaken by way of special agreements due to safety concerns or limiting traffic disruption, etc.*
- *Providing hoarding as a manner of noise screening*

- *Providing localised screening to particularly noisy equipment and processes*
- *Limiting the duration for the use of various processes or equipment.*

The Report recommends that community consultation and complaint handling processes are implemented by the managing contractor. These processes could include:

- *"Engaging the local community (regular meetings, mailbox drops, etc.);*
- *Providing a complaints hotline to quickly manage complaints;*
- *Provide council with a nominated contact person for all complaints;*
- *Display the nominated contact person's details on public information boards."*

6.8.3 Road Traffic Noise

The Report concludes that noise generated by the additional traffic generated by the development will not increase by more than 60% due to the development and therefore it is considered that the development complies with the Road Noise Policy.

As operational traffic is not expected to result in a road traffic increase of greater than 2dBA, it is therefore expected that construction traffic will not exceed the Road Noise Policy criteria.

6.8.4 Noise Ingress

Noise ingress to the office areas to achieve the internal ambient noise goals are determined by the external noise incident on the facade and the construction of the façade. Acoustic calculations have been performed based on internal room dimensions shown in the architectural plans and assume a worst-case scenario of a façade with 100% glazing.

In terms of noise ingress, the report concludes that the minimum required overall façade sound insulation performance are easily achievable using standard construction materials. It notes that detailed design can further optimise glazing requirements and selections based on the elevation of the façade and/or the relative heights of the façade sections to the street level. Other factors such as thermal and structural requirements, and inclusion of operable walls or other openings, will need to be considered in the final facade glazing design.

6.9 Sustainability

The development incorporates sustainability initiatives as detailed in the accompanying Sustainability Statement (at **Appendix 12**). Key measures include:

- Rainwater harvesting for landscape irrigation and toilet flushing;
- Solar panels subject to suitability given aircraft fallout;
- LED lighting will be installed to provide an energy efficient lighting solution to be documented in detailed design;
- Efficient water fixtures and fittings that achieve best practice WELS (Water Efficiency Labelling Scheme) ratings will be selected. This applies to taps, toilets, showers and urinals;

- A lighting control strategy consisting of daylight sensors, occupancy sensors, time switches or manual switches, as appropriate, will be employed in tandem with high efficiency LED lighting to further reduce lighting energy consumption;
- Facilities to encourage fitness included in the design, such as a gym and changing facilities and walking tracks around the site; and
- The provisions of Section J of the BCA will be met as outlined in the reports contained in **Appendix 12**.

6.10 Acid Sulfate Soils

The Supplementary Acid Sulphate Soil Investigation Report (at **Appendix 3**) concludes:

> *"Actual acid sulphate soils (AASS) are described as soils that are producing acid in their current state. Potential acid sulphate soils (PASS) are described as soils that are not currently producing acid but may do if exposed to oxidation (i.e. following excavation or lowering of the groundwater table). Assessment of the ASS screening test results and the SPOCAS test results against the ASSMAC action criteria indicates that AASS or PASS are not present within 2 m of the current ground surface levels. As such, an ASSMP will not be required for excavation activities within the upper 1 m of the soil profile on the site.*
>
> *The above assessment is based on sampling and testing from boreholes carried out to 2 m depth as part of the current investigation. However, results from DP's previous investigation suggest that deeper excavations may encounter ASS. Additionally, dewatering below the level of excavation will also disturb ASS if present within the depth of dewatering. Reference should be made to the ASSMP issued separately to this report (ref DP report 84677.01.R.001.Rev0 dated September 2015) for advice on conducting excavations that may disturb ASS. If excavation to greater than 1 m depth is proposed, then further investigation may be required to assess the extent of ASS within the plan area and depth of the proposed excavation."*

6.11 Bushfire Management

6.11.1 Impacts

The accompanying Bushfire Protection Assessment Report (at **Appendix 6**) assesses the bushfire protection measures required to address the objectives of Planning for Bushfire Protection 2006, and examines the standards regarding setbacks [defendable space], provision of water supply, fuel management protocols and other matters considered necessary to mitigate any potential bushfire threat to persons, property and the environment from dangers that may arise from a bushfire within the vegetation on and adjoining the site.

The proposal achieves the following separation to unmanaged, bushfire prone vegetation:

> *"1. More than 75 metres from the Coastal Scrub [Heath] within the Vegetation Zone located to the northeast of the warehouse building;*
>
> *2. More than 12 metres to the Coastal Scrub [Heath] located on the adjacent land to the southeast of the development site;*
>
> *3. More than 48 metres from the Swamp Oak Forest within the Conservation Area to the southwest of the warehouse building;*

4. *More than 50 metres to the Swamp Oak Forest within Towra Nature Reserve, to the northwest of the office building.*

These separation widths provide adequate protection from the impact of bushfire."

6.11.2 Mitigation Measures

The Bushfire Protection Assessment Report establishes the following strategies to address the relevant aim and objectives of Planning for Bushfire Protection 2006:

*"**Strategy 1 – Defendable Space:***

The Defendable Spaces between the unmanaged vegetation and the building shall be maintained as an Inner Protection Area (IPA) - Asset Protection Zone.

Strategy 2 – Landscape Management:

The design and maintenance of the landscaped gardens within the site shall comply with the prescriptions of an Inner Protection Area [IPA] pursuant to the specifications of Appendix 5 of Planning for Bushfire Protection 2006 and the NSW Rural Fire Services document 'Specifications for Asset Protection Zones'.

The management of the landscaped gardens [defendable space] shall be maintained under the terms of a positive covenant, pursuant to Section 88B of the Conveyancing Act of 1909, on the title of the land.

Strategy 3 – Bushfire Construction Standards:

Except for the south-eastern elevation, the entire building shall be constructed to comply with Section 3 and Section 5 [BAL 12.5] specifications pursuant to A.S. 3959 – 2009 – Construction of Buildings in Bushfire Prone Areas'.

The south-eastern elevation shall be constructed to comply with Section 3 and Section 8 [BAL 40] specifications pursuant to A.S. 3959 – 2009 – Construction of Buildings in Bushfire Prone Areas'.

The following additional construction standards shall be implemented to safe guard the building against burning ember attack:

- *Any external vents, ventilation louvres or grilles shall have stainless steel mesh [or perforated metal] with a maximum aperture of 2mm square fitted to prevent the entry of embers into the building or be fitted with a louvre system which can be closed in order to maintain a maximum aperture or gap of no more than 2mm;*
- *Access doors [PA/Fire Exit] to the south-eastern elevation of the building shall be fitted with seals that seal the bottom, stiles and head of the door against the opening/frame to prevent the entry of embers into the building;*
- *Roof ventilators shall be fitted with stainless steel flymesh [2mm aperture] to prevent the entry of embers into the building or be fitted with a louvre system which can be closed in order to maintain a maximum aperture or gap of no more than 2mm;*

Strategy 4 – Evacuation Plan:

The management of evacuation of the staff/visitors will be addressed in the preparation of a site specific Evacuation Plan for the facility.

The Evacuation Plan shall address the protocols for the timely relocation of staff/visitors in the event that an emergency occurs, both within the site or within the local area. A copy of

the Evacuation Plan shall be provided to the Local Emergency Management Committee/Police, Fire & Rescue NSW and NSW Rural Fire Service.

The Evacuation Plan shall comply with AS 3745 -2002 "Emergency Control Organisation and Procedures for Buildings, Structures and Workplaces"."

The Bushfire Protection Assessment Report found that the aim and objectives of Planning for Bushfire Protection 2006 have been satisfactorily addressed and the characteristics of the proposal, including provision of a defendable space and construction standards which address the likely levels of radiant heat provide that the site is suitable for the proposed use.

6.12 Air Quality Impacts

The air quality impacts of the proposal have been considered in the context of proposed construction and operation of the development. Construction works can result in the generation of dust emissions with the potential to result in annoyance to nearby receptors. This can be caused by wind effects on disturbed areas and by the movement of vehicles and associated activities such as loading and unloading. There can be emissions from exhausts from construction and delivery vehicles.

The nearest receptor to the site is the existing Dicker Data development immediately to the north east. Other industrial uses are located some 150 metres to the south west and 280 metres to the north east. The nearest residential development is some 780 metres to the north.

The risk of adverse air quality impacts at offsite receptors during construction can be controlled by standard dust management practices to be documented in the CEMP.

During operations dust from traffic movements and emissions from road traffic exhaust emissions on and off site are the main sources of potential emissions during operation. It is expected that such emissions would comply with relevant air quality criteria at all surrounding sensitive receptors.

6.13 Infrastructure Requirements

Infrastructure requirements for the proposed development are described in the report contained in **Appendix 13** and **14**. All required urban services are available in the area. Electricity substation upgrades will be required at the site. It is considered that no significant off-site utility upgrades would be required.

Heating and cooling systems required on site are described in **Appendix 13**.

6.14 Socio-Economic

A useful definition is that social impacts are significant events experienced by people as changes in one or more of the following:

- people's way of life (how they live, work, play, and interact with one another on a day-today basis);

- their culture – shared beliefs, customs and values; and
- their community – its cohesion, stability, character services and facilities.

In this regard, 'social impacts' is considered to mean 'people impacts'.

The social and economic impacts associated with the proposal are positive and substantial in that:

- market demand for computer hardware, software and related products will be satisfied;
- an increased number of full time and part time jobs (548 jobs during operation and 350 during construction) will be available in the surrounding locality as a result of the development;
- the proposed warehouse and distribution centre will be located in close proximity to public transport and services; and
- adjoining properties will suffer no unreasonable impacts.

The proposed development has the potential to rejuvenate the site and put it to an appropriate warehouse related use that is compatible with the surrounding land uses within the area. There are a number of positive benefits of the proposal, particularly in relation to economic benefits to the local and broader community.

6.15 Contributions

Sutherland Shire *Section 94A Development Contributions Plan 2016*. Under this plan development is subject to a Section 7.12 levy which is calculated at 1% of the total development cost.

7. GENERAL ENVIRONMENTAL RISK ANALYSIS

The following table summarises the potential environmental impacts which may arise as a result of the proposed development and, where relevant, identifies the mitigation measures that will be undertaken.

Table 7: Environmental Risk Analysis

ID	ISSUE	MITIGATION MEASURE	TIMING
1	Communications	The Proponent will appoint a communications manager who will be the point of contact for the community during construction.	Prior to Construction
2	Construction Impacts	The Proponent will develop a Construction Environmental Management Plan (CEMP) for the project.	Prior to Construction
3	Aboriginal heritage	An *Aboriginal Cultural Heritage Management Plan* (ACHMP) would be prepared and implemented for the duration of construction.	Prior to Construction
4	Aboriginal heritage	All workers on site for the duration of demolition and excavation works must be subject to an Aboriginal Heritage Induction to make them aware of the provisions of the ACHMP	During Construction
5	Aboriginal heritage	The unexpected finds protocol as detailed in the ACHMP would continue to be implemented during site operations.	During Operations
6	Aboriginal heritage	The results of any monitoring and archaeological excavations that are undertaken will be fully documented in an updated Aboriginal Cultural Heritage Assessment report. Any Aboriginal archaeological remains uncovered during the recommended investigations will be recorded on the AHIMS Register.	During construction
7	Contamination	The proponent will implement the findings of the Remediation Action Plan for 238-258 Captain Cook Drive, Kurnell NSW dated February 2018 prepared by WSP Rev 4	During construction
8	Contamination	A Construction Environmental Management Plan would be developed that includes an unexpected finds protocol and details of the site induction for unexpected finds during the earthworks phase.	Prior to Construction

ID	ISSUE	MITIGATION MEASURE	TIMING
9	Water Pollution	The Project will implement a stormwater management plan including measures to control and treat run-off and overflows in wet weather events.	During Operation
10	Biodiversity	Landscaping works will be undertaken in accordance with the approved landscape drawings.	Construction
11	Biodiversity	Install appropriate exclusion fencing around trees and vegetation to be retained.	During Construction
12	Biodiversity	Implement the recommended measures in Section 5.1 of the BDAR during construction.	During Construction
13	Biodiversity	Temporary infrastructure (plant sites and construction offices, access tracks etc.) will be located in cleared areas away from vegetation to minimise vegetation removal.	During Construction
14	Bushfire	The Recommendations of the Bushfire Protection Assessment for the Construction of the Proposed Dicker Data Warehouse on Lot 1 in DP 225973 & Lot 2 in DP 1088703 No. 238 - 258 Captain Cook Drive, Kurnell prepared by Australian Bushfire Protection Planners Pty issued 27.02.2018.	During construction and operation
15	Soils	The Construction Environmental Management Plan will include erosion and sedimentation plans that would be prepared and implemented during the construction program.	During Construction
16	Soils	Stabilised exposed surfaces as soon as practicable.	During Construction
17	Groundwater	A groundwater extraction licence would be obtained should groundwater be required for construction and/or operational activities	During Construction
18	Noise and Vibration	A Construction Environmental Management Plan would be implemented as part of construction	Prior to Construction

ID	ISSUE	MITIGATION MEASURE	TIMING
19	Visual impact	External lighting designed to comply with Australian Standard, AS4282, "Control of the Obtrusive Effects of Outdoor Lighting" Luminaires controlled to minimise light spill.	During Construction
20	Ecologically Sustainable Development	- The following measures would be employed in detailed design to minimise consumption of resources, water and energy: - Water efficient fixtures, fittings and practices; - Energy and water efficient equipment; - Naturally ventilated spaces; - Rainwater harvesting for irrigation and toilet flushing; - Solar panels to be installed subject to resolving fallout from aircraft issues; - Efficient building management systems and equipment, including lighting; - Passive design elements such as building orientation, external shading, appropriate, use of thermal mass, performance glazing, thermal efficiency of building fabric.	During detailed design
21	Flood Management	The Emergency Response Plan is to include procedures to be followed in the event of flood.	During Operations

8. CONCLUSION

This EIS assesses the potential environmental impacts of a development comprising the construction of a new warehouse and distribution centre with ancillary office, associated car parking, vehicular access, utilities, landscaping, amenities, related works and subdivision at 238-258 Captain Cook Drive, Kurnell. It has been prepared in accordance with the provisions of Part 4 of the EP&A Act, the EP&A Regulation and SEARs for application number SSD 8662. The potential environmental, social and economic impacts, both direct and cumulative, have been identified and assessed as part of this EIS.

The assessment concludes that no significant environmental impacts have been identified because of the development. It is considered that any potential impacts can be satisfactorily mitigated through a range of measures that have been identified within the EIS.

In addition, the development is considered to be consistent with relevant Government policies and strategies.

It is considered that the development is in the public interest and warrants approval.

APPENDICES

APPENDIX 1

Secretary General's Environmental Assessment Requirements

APPENDIX 2

Deposited Plans

APPENDIX 3

Acid Sulphate Soil Investigation

APPENDIX 4A

Auditor Report

APPENDIX 4B

Remediation Action Plan

APPENDIX 5

Biodiversity Development Assessment Report

APPENDIX 6

Bushfire Protection Assessment

APPENDIX 7

Aboriginal Cultural Heritage Assessment Report

APPENDIX 8

Historic Heritage Report

APPENDIX 9

Arboricultural Impact Assessment

APPENDIX 10

Stormwater Management Plan

APPENDIX 11

BCA Compliance Report

APPENDIX 12

Sustainability Statement

APPENDIX 13

Hydraulic Services Assessment

APPENDIX 14

Building Services Return Brief

APPENDIX 15

Construction Waste Management Plan

APPENDIX 16

Operational Waste Management Plan

APPENDIX 17

Emergency Response Plan

APPENDIX 18

CIV Cost Report

APPENDIX 19

Flood Study Report

APPENDIX 20

Noise Impact Assessment

APPENDIX 21

Traffic Impact Assessment Report