

Development Consent

Section 4.38 of the Environmental Planning and Assessment Act 1979

As delegate of the Minister for Planning under delegation executed on 11 October 2017, I approve the Development Application referred to in Schedule 1, subject to the conditions specified in Schedule 2.

These conditions are required to:

- prevent, minimise, or offset adverse environmental impacts;
- set standards and performance measures for acceptable environmental performance;
- require regular monitoring and reporting; and
- provide for the ongoing environmental management of the development



Anthea Sargeant
Executive Director
Key Sites and Industry Assessments

Sydney

12 April,

2019

File: DOC18/721211

SCHEDULE 1

Application Number:	SSD 8662
Applicant:	Dicker Data Limited
Consent Authority:	Minister for Planning
Site:	238 - 258 Captain Cook Drive, Kurnell Lot 1 DP 225973 and Lot 2 DP 1088703
Development:	Construction and operation of a warehouse and distribution centre with associated office, carparking, landscaping, services and site subdivision

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DEFINITIONS

Applicant	Dicker Data Limited, or any person carrying out any development to which this consent applies
AHD	Australian Height Datum
BCA	Building Code of Australia
BC Act	<i>Biodiversity Conservation Act 2016</i>
Certifying Authority	A person who is authorised by or under the former section 109D of the EP&A Act to issue Part 4A certificates
CEMP	Construction Environmental Management Plan
Conditions of this consent	Conditions contained in Schedule 2 of this document
Construction	The demolition and removal of buildings or works, the carrying out of works for the purpose of the development, including bulk earthworks, and erection of buildings and other infrastructure permitted by this consent
Council	Sutherland Shire Council
Day	The period from 7 am to 6 pm on Monday to Saturday, and 8 am to 6 pm on Sundays and Public Holidays
Demolition	The deconstruction and removal of buildings, sheds and other structures on the site
Department	NSW Department of Planning and Environment
Development	The development described in the EIS and Response to Submissions, including the works and activities comprising construction and operation of the warehouse and distribution centre and associated office, as modified by the conditions of this consent
Development layout	The plans at Appendix 1 of this consent
Earthworks	Bulk earthworks, site levelling, import and compaction of fill material, excavation for installation of drainage and services, to prepare the site for construction
EIS	The Environmental Impact Statement titled Warehouse and Distribution Centre, 238-258 Captain Cook Drive, Kurnell, prepared by BBC Consulting Planners dated May 2018, submitted with the application for consent for the development, including any additional information provided by the Applicant in support of the application
ENM	Excavated Natural Material
Environment	Includes all aspects of the surroundings of humans, whether affecting any human as an individual or in his or her social groupings
EPA	NSW Environment Protection Authority
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
EPL	Environment Protection Licence under the POEO Act
Evening	The period from 6 pm to 10 pm
Fibre ready facility	As defined in Section 372W of the <i>Telecommunications Act 1997</i>
Heritage	Encompasses both Aboriginal and historic heritage including sites that predate European settlement, and a shared history since European settlement
Heritage item	An item as defined under the <i>Heritage Act 1977</i> , and assessed as being of local, State and/ or National heritage significance, and/or an Aboriginal Object or Aboriginal Place as defined under the <i>National Parks and Wildlife Act 1974</i> , the World Heritage List, or the National Heritage List or Commonwealth Heritage List under the <i>Environment Protection and Biodiversity Conservation Act 1999</i> (Cth), or anything identified as a heritage item under the conditions of this consent
Incident	An occurrence or set of circumstances that causes or threatens to cause material harm and which may or may not be or cause a non-compliance Note: "material harm" is defined in this consent
Land	Has the same meaning as the definition of the term in section 1.4 of the EP&A Act

Material harm	Is harm that: <ul style="list-style-type: none"> a) involves actual or potential harm to the health or safety of human beings or to the environment that is not trivial, or b) results in actual or potential loss or property damage of an amount, or amounts in aggregate, exceeding \$10,000, (such loss includes the reasonable costs and expenses that would be incurred in taking all reasonable and practicable measures to prevent, mitigate or make good harm to the environment)
Minister	NSW Minister for Planning (or delegate)
Mitigation	Activities associated with reducing the impacts of the development prior to or during those impacts occurring
Monitoring	Any monitoring required under this consent must be undertaken in accordance with section 9.40 of the EP&A Act
Night	The period from 10 pm to 7 am on Monday to Saturday, and 10 pm to 8 am on Sundays and Public Holidays
Non-compliance	An occurrence, set of circumstances or development that is a breach of this consent
OEH	NSW Office of Environment and Heritage
OEMP	Operational Environmental Management Plan
Operation	The use of the warehouse and distribution centre and associated office upon completion of construction
PA	Means a planning agreement within the meaning of the term in section 7.4 of the EP&A Act.
PCA	Principal Certifying Authority in accordance with the EP&A Act
Planning Secretary	Planning Secretary under the EP&A Act, or nominee
POEO Act	<i>Protection of the Environment Operations Act 1997</i>
Reasonable	Means applying judgement in arriving at a decision, taking into account: mitigation benefits, costs of mitigation versus benefits provided, community views, and the nature and extent of potential improvements.
Registered Aboriginal Parties	Means the Aboriginal persons identified in accordance with the document entitled " <i>Aboriginal cultural heritage consultation requirements for proponents 2010</i> " (DECCW)
Rehabilitation	The restoration of land disturbed by the development to a good condition, to ensure it is safe, stable and non-polluting
Response to submissions	The Applicant's response to issues raised in submissions received in relation to the application for consent for the development under the EP&A Act, titled 'Response to Submissions, State Significant Development SSD 17_8662', prepared by BBC Consulting Planners dated September 2018
RL	Reduced Level
RMS	NSW Roads and Maritime Services
Sensitive receivers	A location where people are likely to work, occupy or reside, including a dwelling, school, hospital, office or public recreational area
Site	The land defined in Appendix 1
Site Auditor	As defined in section 4 of the <i>Contaminated Land Management Act 1997</i>
Site Audit Report	As defined in section 4 of the <i>Contaminated Land Management Act 1997</i>
Site Audit Statement	As defined in section 4 of the <i>Contaminated Land Management Act 1997</i>
TfNSW	Transport for New South Wales
VENM	Virgin Excavated Natural Material
Waste	Has the same meaning as the definition of the term in the Dictionary to the POEO Act
Year	A period of 12 consecutive months

SCHEDULE 2

PART A ADMINISTRATIVE CONDITIONS

OBLIGATION TO MINIMISE HARM TO THE ENVIRONMENT

- A1. In addition to meeting the specific performance measures and criteria in this consent, all reasonable and feasible measures must be implemented to prevent, and if prevention is not reasonable and feasible, minimise, any material harm to the environment that may result from the construction and operation of the development, and any rehabilitation required under this consent.

TERMS OF CONSENT

- A2. The development may only be carried out:
- (a) in compliance with the conditions of this consent;
 - (b) in accordance with all written directions of the Planning Secretary;
 - (c) in accordance with the EIS and Response to Submissions (RTS);
 - (d) in accordance with the Development Layout Plans in Appendix 1; and
 - (e) in accordance with the management and mitigation measures in Appendix 3.
- A3. Consistent with the requirements in this consent, the Planning Secretary may make written directions to the Applicant in relation to:
- (a) the content of any strategy, study, system, plan, program, review, audit, notification, report or correspondence submitted under or otherwise made in relation to this consent, including those that are required to be, and have been, approved by the Planning Secretary; and
 - (b) the implementation of any actions or measures contained in any such document referred to in condition A3(a).
- A4. The conditions of this consent and directions of the Planning Secretary prevail to the extent of any inconsistency, ambiguity or conflict between them and a document listed in condition A2(c). In the event of an inconsistency, ambiguity or conflict between any of the documents listed in condition A2(c), the most recent document prevails to the extent of the inconsistency, ambiguity or conflict.

LIMITS OF CONSENT

Lapsing

- A5. This consent lapses five years after the date from which it operates, unless the development has physically commenced on the land to which the consent applies before that date.

NOTIFICATION OF COMMENCEMENT

- A6. The date of commencement of each of the following phases of the development must be notified to the Department in writing, at least one month before that date:
- (a) construction;
 - (b) operation; and
 - (c) cessation of operations.
- A7. If the construction or operation of the development is to be staged, the Department must be notified in writing at least one month before the commencement of each stage, of the date of commencement and the development to be carried out in that stage.

EVIDENCE OF CONSULTATION

- A8. Where conditions of this consent require consultation with an identified party, the Applicant must:
- (a) consult with the relevant party prior to submitting the subject document to the Planning Secretary for approval; and
 - (b) provide details of the consultation undertaken including:
 - (i) the outcome of that consultation, matters resolved and unresolved; and
 - (ii) details of any disagreement remaining between the party consulted and the Applicant and how the Applicant has addressed the matters not resolved.

STAGING, COMBINING AND UPDATING STRATEGIES, PLANS OR PROGRAMS

- A9. With the approval of the Planning Secretary, the Applicant may:
- (a) prepare and submit any strategy, plan or program required by this consent on a staged basis (if a clear description is provided as to the specific stage and scope of the development to which the strategy, plan or

program applies, the relationship of the stage to any future stages and the trigger for updating the strategy, plan or program);

- (b) combine any strategy, plan or program required by this consent (if a clear relationship is demonstrated between the strategies, plans or programs that are proposed to be combined); and
- (c) update any strategy, plan or program required by this consent (to ensure the strategies, plans and programs required under this consent are updated on a regular basis and incorporate additional measures or amendments to improve the environmental performance of the development).

A10. If the Planning Secretary agrees, a strategy, plan or program may be staged or updated without consultation being undertaken with all parties required to be consulted in the relevant condition in this consent.

A11. If approved by the Planning Secretary, updated strategies, plans or programs supersede the previous versions of them and must be implemented in accordance with the condition that requires the strategy, plan or program.

PROTECTION OF PUBLIC INFRASTRUCTURE

A12. Before the commencement of construction, the Applicant must:

- (a) consult with the relevant owner and provider of services that are likely to be affected by the development to make suitable arrangements for access to, diversion, protection and support of the affected infrastructure;
- (b) prepare a dilapidation report identifying the condition of all public infrastructure in the vicinity of the site (including roads, gutters and footpaths); and
- (c) submit a copy of the dilapidation report to the Planning Secretary and Council.

A13. Unless the Applicant and the applicable authority agree otherwise, the Applicant must:

- (a) repair, or pay the full costs associated with repairing, any public infrastructure that is damaged by carrying out the development; and
- (b) relocate, or pay the full costs associated with relocating, any public infrastructure that needs to be relocated as a result of the development.

DEMOLITION

A14. All demolition must be carried out in accordance with *Australian Standard AS 2601-2001 The Demolition of Structures* (Standards Australia, 2001).

STRUCTURAL ADEQUACY

A15. All new buildings and structures, and any alterations or additions to existing buildings and structures, that are part of the development, must be constructed in accordance with the relevant requirements of the BCA.

Note:

- *Under Part 6 of the EP&A Act, the Applicant is required to obtain construction and occupation certificates for the proposed building works.*
- *Part 8 of the EP&A Regulation sets out the requirements for the certification of the development.*
- *Under section 21 of the Coal Mine Subsidence Compensation Act 2017, the Applicant is required to obtain the Chief Executive of Subsidence Advisory NSW's approval before carrying out certain development in a Mine Subsidence District.*

COMPLIANCE

A16. The Applicant must ensure that all of its employees, contractors (and their sub-contractors) are made aware of, and are instructed to comply with, the conditions of this consent relevant to activities they carry out in respect of the development.

CONTRIBUTIONS TO COUNCIL

A17. Before the issue of a construction certificate for any part of the development, a payment of a levy of 1% of the proposed cost of carrying out the development must be paid to Council under section 7.12 of the EP&A Act.

SUBDIVISION

A18. Prior to the issue of an Occupation Certificate, the Applicant must amalgamate the site in accordance with the subdivision plan titled 'Proposed Subdivision Lot 1 DP 225973 & Lot 2 DP 1088703' prepared by Masters Surveying, dated 12 December 2018.

OPERATION OF PLANT AND EQUIPMENT

A19. All plant and equipment used on site, or to monitor the performance of the development must be:

- (a) maintained in a proper and efficient condition; and
- (b) operated in a proper and efficient manner.

EXTERNAL WALLS AND CLADDING

- A20. The external walls of all buildings including additions to existing buildings must comply with the relevant requirements of the BCA.
- A21. Before the issue of a Construction Certificate and an Occupation Certificate, the Applicant must provide the Certifying Authority with documented evidence that the products and systems proposed for use or used in the construction of external walls including finishes and claddings such as synthetic or aluminium composite panels comply with the requirements of the BCA.
- A22. The Applicant must provide a copy of the documentation given to the Certifying Authority to the Planning Secretary within seven days after the Certifying Authority accepts it.

UTILITIES AND SERVICES

- A23. Before the construction of any utility works associated with the development, the Applicant must obtain relevant approvals from service providers.
- A24. Before the commencement of operation of the development, the Applicant must obtain a Compliance Certificate for water and sewerage infrastructure servicing of the site under section 73 of the *Sydney Water Act 1994*.
- A25. Before the issue of a Subdivision or Construction Certificate for any stage of the development, the Applicant (whether or not a constitutional corporation) is to provide evidence, satisfactory to the Certifying Authority, that arrangements have been made for:
- (a) the installation of fibre-ready facilities to all individual lots and/or premises in a real estate development project to enable fibre to be readily connected to any premises that is being or may be constructed on those lots; and
 - (b) the provision of fixed-line telecommunications infrastructure in the fibre-ready facilities to all individual lots and/or premises in a real estate development project demonstrated through an agreement with a carrier.
- A26. The Applicant must demonstrate that the carrier has confirmed in writing they are satisfied that the fibre ready facilities are fit for purpose.
- A27. The Applicant must engage an Accredited Certifier in civil engineering works or a Chartered Civil Engineer to supervise and certify the construction of road frontage works, stormwater drainage and rainwater harvesting systems.

WORKS AS EXECUTED PLANS

- A28. Before the issue of the final Occupation Certificate, works-as-executed drawings signed by a registered surveyor demonstrating that the stormwater drainage and finished ground levels have been constructed as approved, must be submitted to the Certifying Authority.

APPLICABILITY OF GUIDELINES

- A29. References in the conditions of this consent to any guideline, protocol, Australian Standard or policy are to such guidelines, protocols, Standards or policies in the form they are in as at the date of this consent.
- A30. However, consistent with the conditions of this consent and without altering any limits or criteria in this consent, the Planning Secretary may, when issuing directions under this consent in respect of ongoing monitoring and management obligations, require compliance with an updated or revised version of such a guideline, protocol, Standard or policy, or a replacement of them.

ADVISORY NOTES

- AN1.** All licences, permits, approvals and consents as required by law must be obtained and maintained as required for the development. No condition of this consent removes any obligation to obtain, renew or comply with such licences, permits, approvals and consents.

PART B SPECIFIC ENVIRONMENTAL CONDITIONS

TRAFFIC AND ACCESS

Construction Traffic Management Plan

- B1. Prior to the commencement of construction, the Applicant must prepare a Construction Traffic Management Plan (CTMP) for the development to the satisfaction of the Planning Secretary. The CTMP must form part of the CEMP required by condition C2 and must:
- (a) be prepared by a suitably qualified and experienced person(s);
 - (b) be prepared in consultation with Council and RMS;
 - (c) detail the measures that are to be implemented to ensure road safety and network efficiency during construction;
 - (d) detail measures that are to be implemented to protect the vegetation of the Towra Point Nature Reserve during roadworks;
 - (e) detail heavy vehicle routes, access and parking arrangements;
 - (f) include a Driver Code of Conduct to:
 - (i) minimise the impacts of earthworks and construction on the local and regional road network;
 - (ii) minimise conflicts with other road users;
 - (iii) minimise road traffic noise;
 - (iv) ensure truck drivers use specified routes;
 - (g) include a program to monitor the effectiveness of these measures; and
 - (h) if necessary, detail procedures for notifying residents and the community (including local schools), of any potential disruptions to routes.
- B2. The Applicant must:
- (a) not commence construction until the CTMP required by condition B1 is approved by the Planning Secretary; and
 - (b) implement the most recent version of the CTMP approved by the Planning Secretary for the duration of the construction.

Roadworks and Access

- B3. Prior to the commencement of operation, the Applicant must complete the construction of the extension of the west bound acceleration lanes on Captain Cook Drive, adjacent to the light vehicle egress and heavy vehicle egress points to the satisfaction of Council.
- B4. The Applicant must obtain written authorisation from RMS for any changes to the speed limits along Captain Cook Drive and any associated relocation of speed limit signs.
- B5. The Applicant must submit design plans to the satisfaction of the relevant roads authority which demonstrate that the proposed accesses to the development are designed to accommodate the turning path of a B double truck.
- B6. Prior to the commencement of operation, the Applicant must submit detailed design plans and construct a cycleway along the frontage of the site to the satisfaction of Council.

Road Safety Audit

- B7. Prior to the commencement of roadworks described in condition B3, the Applicant must prepare and submit a Road Safety Audit to the satisfaction of RMS. The Road Safety Audit must identify the potential road safety issues and opportunities for improvements to the site access and road upgrades described in the RTS and EIS.
- B8. The Applicant must address any recommendations for road safety improvements identified in the Road Safety Audit described in condition B7.

Bus Stops

- B9. Prior to the commencement of operation, the Applicant must provide, to the satisfaction of Council and TfNSW, two bus stops adjacent to the site, comprising a bus stop on the northern and southern sides of Captain Cook Drive and associated pedestrian refuges.

Parking

- B10. The Applicant must provide sufficient parking facilities on-site, including for heavy vehicles and for site personnel, to ensure that traffic associated with the development does not utilise public and residential streets or public parking facilities.

Operating Conditions

B11. The Applicant must ensure:

- (a) internal roads, driveways and parking (including grades, turn paths, sight distance requirements, aisle widths, aisle lengths and parking bay dimensions) associated with the development are constructed and maintained in accordance with the latest version of *AS 2890.1:2004 Parking facilities Off-street car parking* (Standards Australia, 2004) and *AS 2890.2:2002 Parking facilities Off-street commercial vehicle facilities* (Standards Australia, 2002);
- (b) the swept path of the longest vehicle entering and exiting the site, as well as manoeuvrability through the site, is in accordance with the relevant AUSTROADS guidelines;
- (c) the development does not result in any vehicles queuing on the public road network;
- (d) heavy vehicles and bins associated with the development are not parked on local roads or footpaths in the vicinity of the site;
- (e) all vehicles are wholly contained on site before being required to stop;
- (f) all loading and unloading of materials is carried out on-site;
- (g) all trucks entering or leaving the site with loads have their loads covered and do not track dirt onto the public road network; and
- (h) the proposed turning areas in the car park are kept clear of any obstacles, including parked cars, at all times.

Work Place Travel Plan

B12. Prior to the commencement of operation of any part of the development, the Applicant must prepare a Work Place Travel Plan to the satisfaction of the Planning Secretary. The Work Place Travel Plan must form part of the OEMP required by condition C5 and must:

- (a) be prepared in consultation with TfNSW;
- (b) outline facilities and measures to promote public transport usage, such as car share schemes and employee incentives; and
- (c) describe pedestrian and bicycle linkages and end of trip facilities available on-site.

B13. The Applicant must not commence operation until the Work Place Travel Plan is approved by the Planning Secretary.

B14. The Applicant must implement the most recent version of the Work Place Travel Plan approved by the Planning Secretary for the duration of the development.

SOILS, WATER QUALITY AND HYDROLOGY

Imported Soil

B15. The Applicant must:

- (a) ensure that only VENM, ENM, or other material approved in writing by EPA is brought onto the site;
- (b) keep accurate records of the volume and type of fill to be used; and
- (c) make these records available to the Department upon request.

Erosion and Sediment Control

B16. Prior to the commencement of any construction or other surface disturbance the Applicant must install and maintain suitable erosion and sediment control measures on-site, in accordance with the relevant requirements of the *Managing Urban Stormwater: Soils and Construction - Volume 1: Blue Book* (Landcom, 2004) guideline and the Erosion and Sediment Control Plan included in the CEMP required by condition C2.

Discharge Limits

B17. The development must comply with section 120 of the POEO Act, which prohibits the pollution of waters.

Stormwater Management System

B18. Prior to the commencement of operation, the Applicant must design, install and operate a stormwater management system for the development. The system must:

- (a) be designed by a suitably qualified and experienced person(s) whose appointment has been endorsed by the Planning Secretary;
- (b) be prepared in consultation with Council and be generally in accordance with the conceptual design in the RTS;
- (c) remove the western stormwater discharge point to Captain Cook Drive;

- (d) be in accordance with applicable Australian Standards;
- (e) ensure that water discharged from the site complies with Council's water quality standards;
- (f) ensure that the stormwater management system is designed and maintained to protect the safety of the public;
- (g) verify the performance of water quality treatment measures using MUSIC modelling software;
- (h) ensure that the system capacity has been designed in accordance with *Australian Rainfall and Runoff* (Engineers Australia, 2016) and *Managing Urban Stormwater: Council Handbook* (EPA, 1997) guidelines; and
- (i) describe the measures that would be implemented to maintain the stormwater management system, including bioretention basins and the rainwater harvesting and retention system for the life of the development.

Flood Management

- B19. Prior to the commencement of operation, the Applicant must prepare a Flood Emergency Response Plan (FERP) to the satisfaction of the Planning Secretary. The FERP must form part of the CEMP and OEMP required by Conditions C2 and C5 and must:
- (a) be prepared by a suitably qualified and experienced person(s);
 - (b) address the provisions of the *Floodplain Risk Management Guideline* (OEH, 2007);
 - (c) include details of:
 - (i) flood emergency responses;
 - (ii) predicted flood levels;
 - (iii) flood warning time and flood notification;
 - (iv) assembly points and evacuation routes;
 - (v) evacuation and refuge protocols; and
 - (vi) awareness training for employees and contractors.
- B20. The Applicant must:
- (a) not commence construction until the FERP required by condition B19 is approved by the Planning Secretary; and
 - (b) implement the most recent version of the FERP approved by the Planning Secretary for the duration of the development.
- B21. All floor levels must be no lower than RL 3.7 m AHD or the 1% Annual Exceedance Probability flood level plus 500 mm of freeboard.
- B22. The car park finished surface level must be no lower than RL 3.2 m AHD or the 1% Annual Exceedance Probability flood level.
- B23. Any structures below the 1% Annual Exceedance Probability plus 500 mm of freeboard must be constructed from flood compatible building components.

Groundwater Management

- B24. Prior to the commencement of construction, the Applicant must prepare a Groundwater Management Plan (GMP) to the satisfaction of the Planning Secretary. The GMP must form part of the CEMP required by Condition C2. The GMP must:
- (a) be prepared by a suitably qualified and experienced person(s) whose appointment has been endorsed by the Planning Secretary;
 - (b) provide the following:
 - (i) baseline data on groundwater levels and quality;
 - (ii) details of construction or excavation work that may impact on groundwater; and
 - (iii) a program to monitor groundwater levels and quality, groundwater impact assessment criteria and a protocol for the investigation and mitigation of identified exceedances of criteria, if potential impacts to groundwater are identified under Condition B24(b)(ii).
- B25. The Applicant must:
- (a) not commence construction until the GMP required by condition B24 is approved by the Planning Secretary; and
 - (b) implement the most recent version of the GMP approved by the Planning Secretary for the duration of the development.

- B26. The Applicant must obtain any necessary water related approvals from DoI in the event that groundwater is likely to be intercepted or extracted during construction works.

Hydrology

- B27. The Applicant must ensure that any works within watercourses or on waterfront land is undertaken in accordance with DoI's 'Guidelines for Controlled Activities on Waterfront Land (2018)'.

BIODIVERSITY

Removal of Vegetation

- B28. No more than 1.2 hectares (ha) of vegetation as described in the 'Biodiversity Development Assessment Report' prepared by Biosis dated 22 February 2018 and the 'Arboricultural Impact Assessment report' prepared by Arboreport Vegetation Management Consultants dated 4 April 2018 shall be cleared.
- B29. The Applicant must ensure all vegetation to be retained on site is protected during construction works as described in the 'Arboricultural Impact Assessment report' prepared by Arboreport Vegetation Management Consultants dated 4 April 2018.

Biodiversity Management Plan

- B30. Prior to the commencement of clearing for construction, the Applicant must prepare and implement a Biodiversity Management Plan (BMP) for the development. The BMP must be prepared in consultation with OEH and ensure that:
- any felled native trees which are greater than approximately 25-30 cm in diameter and 3 m in height are salvaged and used to enhance habitat at the site;
 - remnant native vegetation removed from the site, especially juvenile plants are translocated to the proposed landscape areas;
 - the topsoil from the removal of native vegetation is used in site landscaping; and
 - seed from the native plants removed from the site is collected and used in site landscaping.

Landscaping

- B31. The Applicant must ensure the site landscaping features a diversity of native vegetation from the relevant native vegetation communities. The landscaping must:
- comprise native provenance trees, shrubs and groundcover species which are consistent with the Plant Community Types described in the Biodiversity Development Assessment Report prepared by Biosis dated 22 February 2018;
 - comply with the principles of Appendix 5 of Planning for Bushfire Protection 2006;
 - feature semi-mature trees (with a minimum tree height of 2 metres and/or plant container size of at least 50 litres);
 - achieve a minimum of 4 plants per square metre; and
 - feature native grass species (such as *Zoysia macrantha* 'Nara') in turfed areas.

CONTAMINATION

Site Auditor

- B32. Prior to the commencement of any earthworks or remediation works on site, the Applicant must engage a Site Auditor accredited under the *Contaminated Land Management Act 1997* NSW Site Auditor Scheme.
- B33. Prior to the commencement of any earthworks or remediation on site, the 'Remediation Action Plan, 238-258 Captain Cook Drive, Kurnell' prepared by WSP, 27 February 2018 (Revision 4) must be reviewed and, where required, amended to address any requirements of the Site Auditor.
- B34. Prior to the commencement of any earthworks or remediation on site, the Site Auditor must provide written advice to the Planning Secretary confirming the site is capable of being made suitable for the proposed development with the implementation of the final remediation approach.
- B35. The Applicant must ensure the remediation works are undertaken by a suitably qualified and experienced consultant(s) in accordance with the Remediation Action Plan endorsed by the Site Auditor and relevant guidelines produced or approved under the *Contaminated Land Management Act 1997*.
- B36. Upon completion of the remediation works and prior to occupation, the Applicant must submit to the Planning Secretary, a Site Audit Report and a Site Audit Statement. The Site Audit Report and Site Audit Statement must:
- be prepared in accordance with the NSW Contaminated Land Management - Guidelines for the NSW Site Auditor Scheme 2017; and
 - demonstrate that the site is suitable for its intended warehouse and distribution centre and associated office land uses with the implementation of a Long Term Environmental Management Plan.

Long Term Environmental Management Plan

- B37. Prior to the finalisation of the Site Audit Statement and Site Audit Report, the Applicant must submit a Long Term Environmental Management Plan (LTEMP) for the development to the satisfaction of the Planning Secretary.
- B38. The LTEMP is to:
- (a) address all environmental impacts of the development's construction and operational phases;
 - (b) recommend any systems/controls to be implemented to minimise the potential for any adverse environmental impact(s);
 - (c) incorporate a programme for ongoing monitoring and review to ensure that the LTEMP remains contemporary with relevant environmental standards; and
 - (d) mechanisms to report results to relevant agencies (e.g. Council and EPA).
- B39. Upon completion of the Site Audit Statement and Site Audit Report, the Applicant must:
- (a) implement the approved LTEMP; and
 - (b) provide evidence to the Planning Secretary that the LTEMP is listed on the relevant planning certificate for the land, issued under section 10.7 of the *Environmental Planning and Assessment Act 1979*, for the development.

Asbestos

- B40. The Applicant must ensure that any asbestos encountered during the remediation and construction works is monitored, handled, transported and disposed of by appropriately qualified and licensed contractors in accordance with the requirements of SafeWork NSW and relevant guidelines, including:
- (a) Work Health and Safety Regulation 2017;
 - (b) Model Code of Practice – How to Manage and Control Asbestos in the Workplace, 2016 Safe Work Australia;
 - (c) Model Code of Practice – How to Safely Remove Asbestos, 2016 Safe Work Australia; and
 - (d) Protection of the Environment Operations (Waste) Regulation 2014.

Acid Sulphate Soils Management Plan

- B41. The Applicant shall prepare and implement an Acid Sulphate Soil Management Plan for construction and demolition in accordance with the NSW EPA's 'Acid Sulphate Soils Manual 1998'.

FIRE PROTECTION AND MANAGEMENT

Asset Protection Zones

- B42. At the commencement of construction, and in perpetuity, the Applicant must manage the area around the building as an asset protection zone as outlined in Section 4.1.3 and Appendix 5 of Planning for Bushfire Protection 2006 and the NSW Rural Fire Services' publication Standards for asset protection zones. This is to be performed as outlined in the bushfire protection assessment for the development prepared by Australian Bushfire Protection Planners Pty Ltd (dated 8 May 2018, Ref: B172990-3).

Design and Construction

- B43. The Applicant must ensure the building and building elements in the development complies with the 'National Standard Steel Framed Construction in Bushfire Areas – 2014' as appropriate or the bushfire attack level (BAL) 12.5 in Sections 3 and 8 of Australian Standard AS 3959-2009 'Construction of buildings in bush fire-prone areas'. The Applicant must also ensure:
- (a) internal access roads comply with section 4.1.3(2) of Planning for Bushfire Protection 2006;
 - (b) arrangements for emergency and evacuation comply with section 4.2.7 of Planning for Bushfire Protection 2006; and
 - (c) the provision of water, electricity and gas complies with section 4.1.3 of Planning for Bushfire Protection 2006.

Bush Fire Emergency Management

- B44. Prior to the commencement of operation, the Applicant must prepare a Bush Fire Emergency Management and Evacuation Plan which is consistent with NSW Rural Fire Services' publication *Development Planning – A Guide to Developing a Bush Fire Emergency Management and Evacuation Plan*.

ABORIGINAL HERITAGE

Aboriginal Cultural Heritage Management Plan (ACHMP)

- B45. Before the commencement of any clearing or construction works, the Applicant must prepare an ACHMP for the development to protect and manage middens and other Aboriginal artefacts on the site. The plan must form part of the CEMP required by Condition C2 and must:
- be prepared by a suitably qualified and experienced expert in consultation with the Registered Aboriginal Parties;
 - be submitted to the satisfaction of the Planning Secretary prior to construction of any part of the development; and
 - describe the measures to protect middens and other Aboriginal artefacts on the site in perpetuity.
- B46. The Applicant must:
- not commence construction until the Aboriginal Cultural Heritage Management Plan is approved by the Planning Secretary; and
 - implement the most recent version of the Aboriginal Cultural Heritage Management Plan approved by the Planning Secretary for the duration of the development.

Unexpected Finds Protocol

- B47. If any item or object of Aboriginal heritage significance is identified on site:
- all work in the immediate vicinity of the suspected Aboriginal item or object must cease immediately;
 - a 10 m wide buffer area around the suspected item or object must be cordoned off; and
 - the OEH must be contacted immediately.
- B48. Work in the immediate vicinity of the Aboriginal item or object may only recommence in accordance with the provisions of Part 6 of the *National Parks and Wildlife Act 1974*.

HISTORIC HERITAGE

Unexpected Finds Protocol

- B49. If any archaeological relics are uncovered during the course of the work, then all works must cease immediately in that area. Unexpected finds must be recorded and evaluated and a proposal for the treatment of the remains submitted to the satisfaction of the Planning Secretary.

AIR QUALITY

Dust Minimisation

- B50. The Applicant must take all reasonable steps to minimise dust generated during all works authorised by this consent.
- B51. During construction, the Applicant must ensure that:
- exposed surfaces and stockpiles are suppressed by regular watering;
 - all trucks entering or leaving the site with loads have their loads covered;
 - trucks associated with the development do not track dirt onto the public road network;
 - public roads used by these trucks are kept clean; and
 - land stabilisation works are carried out progressively on site to minimise exposed surfaces.

NOISE

Hours of Work

- B52. The Applicant must comply with the hours detailed in Table 1, unless otherwise agreed in writing by the Planning Secretary.

Table 1 Hours of Work

Activity	Day	Time
Earthworks and construction	Monday – Friday	7 am to 6 pm
	Saturday	8 am to 1 pm
Operation	Monday – Friday	6:00 am to 10 pm
	Saturday	6 am to 4 pm

- B53. Works outside of the hours identified in condition B52 may be undertaken in the following circumstances:
- works that are inaudible at the nearest sensitive receivers;

- (b) for the delivery of materials required outside these hours by the NSW Police Force or other authorities for safety reasons; or
- (c) where it is required in an emergency to avoid the loss of lives, property or to prevent environmental harm.

Construction Noise Limits

- B54. The development must be constructed to achieve the construction noise management levels detailed in *the Interim Construction Noise Guideline* (DECC, 2009) (as may be updated or replaced from time to time). All feasible and reasonable noise mitigation measures must be implemented and any activities that could exceed the construction noise management levels must be identified and managed in accordance with the management and mitigation measures in the Appendix 3.

FOOD PREPARATION AND STORAGE AREA

- B55. The construction, fit-out and finishes of the food preparation and storage area must comply with the relevant food safety standards and the latest version of *Australian Standard AS 4674-2004 'Design Construction and Fitout of Food Premises'*.

HAZARDS AND RISK

- B56. The Applicant must store all chemicals, fuels and oils used on-site in accordance with:
- (a) the requirements of all relevant Australian Standards; and
 - (b) the NSW EPA's *Storing and Handling of Liquids: Environmental Protection – Participants Manual* if the chemicals are liquids.
- B57. In the event of an inconsistency between the requirements B56(a) and B56(b), the most stringent requirement must prevail to the extent of the inconsistency.

Bunding

- B58. The Applicant must store all chemicals, fuels and oils used on-site in appropriately banded areas in accordance with the requirements of all relevant Australian Standards, and/or EPA's *Storing and Handling of Liquids: Environmental Protection – Participants Manual* (Department of Environment and Climate Change, 2007).

WASTE MANAGEMENT

Pests, Vermin and Noxious Weed Management

- B59. The Applicant must:
- (a) implement suitable measures to manage pests, vermin and declared noxious weeds on the site; and
 - (b) inspect the site on a regular basis to ensure that these measures are working effectively, and that pests, vermin or noxious weeds are not present on site in sufficient numbers to pose an environmental hazard or cause the loss of amenity in the surrounding area.

Note: For the purposes of this condition, noxious weeds are those species subject to an order declared under the Noxious Weed Act 1993.

Waste Storage and Processing

- B60. Prior to the commencement of operation, the Applicant must obtain agreement from Council for the design of the waste storage area for the warehouse and associated office.
- B61. Waste must be secured and maintained within designated waste storage areas at all times and must not leave the site onto neighbouring public or private properties.

VISUAL AMENITY

Lighting

- B62. The Applicant must ensure the lighting associated with the development:
- (a) complies with the latest version of AS 4282-1997 - *Control of the obtrusive effects of outdoor lighting* (Standards Australia, 1997); and
 - (b) is mounted, screened and directed in such a manner that it does not create a nuisance to surrounding properties or the public road network.

Signage and Fencing

- B63. All signage and fencing must be erected in accordance with the development plans included in the EIS.

Note: This condition does not apply to temporary construction and safety related signage and fencing.

Airspace Protection

- B64. Prior to the issue of a Construction Certificate for above ground works, the Applicant must submit plans to the Planning Secretary endorsed by the Department of Infrastructure, Regional Development and Cities to ensure the development comprises non-reflective materials in accordance with the *Airports Act 1996* and *Airports (Protection of Airspace) Regulations 1996*.

COMMUNITY ENGAGEMENT

- B65. The Applicant must consult with the community regularly throughout the development, including consultation with the nearby sensitive receivers identified on Figure 8 in Appendix 2 of this Development Consent, relevant regulatory authorities, Registered Aboriginal Parties and other interested stakeholders.

PART C ENVIRONMENTAL MANAGEMENT, REPORTING AND AUDITING

ENVIRONMENTAL MANAGEMENT

Management Plan Requirements

- C1. Management plans required under this consent must be prepared in accordance with relevant guidelines, and include:
- (a) detailed baseline data;
 - (b) details of:
 - (i) the relevant statutory requirements (including any relevant approval, licence or lease conditions);
 - (ii) any relevant limits or performance measures and criteria; and
 - (iii) the specific performance indicators that are proposed to be used to judge the performance of, or guide the implementation of, the development or any management measures;
 - (c) a description of the measures to be implemented to comply with the relevant statutory requirements, limits, or performance measures and criteria;
 - (d) a program to monitor and report on the:
 - (i) impacts and environmental performance of the development; and
 - (ii) effectiveness of the management measures set out pursuant to paragraph (c) above;
 - (e) a contingency plan to manage any unpredicted impacts and their consequences and to ensure that ongoing impacts reduce to levels below relevant impact assessment criteria as quickly as possible;
 - (f) a program to investigate and implement ways to improve the environmental performance of the development over time;
 - (g) a protocol for managing and reporting any:
 - (i) incident and any non-compliance (specifically including any exceedance of the impact assessment criteria and performance criteria);
 - (ii) complaint;
 - (iii) failure to comply with statutory requirements; and
 - (h) a protocol for periodic review of the plan.

Note: *the Planning Secretary may waive some of these requirements if they are unnecessary or unwarranted for particular management plans*

CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN

- C2. The Applicant must prepare a Construction Environmental Management Plan (CEMP) in accordance with the requirements of condition C1 and to the satisfaction of the Planning Secretary.
- C3. As part of the CEMP required under Condition C2 of this consent, the Applicant must include the following:
- (a) Construction Traffic Management Plan (see Condition B1);
 - (b) Erosion and Sediment Control Plan (see Condition B16);
 - (c) Flood Emergency Response (see Condition B19);
 - (d) Groundwater Management Plan (see Condition B24);
 - (e) Aboriginal Cultural Heritage Management Plan (see Condition B45); and
 - (f) Community Consultation and Complaints Handling.
- C4. The Applicant must:
- (a) not commence construction of the development until the CEMP is approved by the Planning Secretary; and

- (b) carry out the construction of the development in accordance with the CEMP approved by the Planning Secretary and as revised and approved by the Planning Secretary from time to time.

OPERATIONAL ENVIRONMENTAL MANAGEMENT PLAN

- C5. The Applicant must prepare an Operational Environmental Management Plan (OEMP) in accordance with the requirements of condition C1 and to the satisfaction of the Planning Secretary.
- C6. As part of the OEMP required under Condition C5 of this consent, the Applicant must include the following:
 - (a) describe the role, responsibility, authority and accountability of all key personnel involved in the environmental management of the development;
 - (b) describe the procedures that would be implemented to:
 - (i) keep the local community and relevant agencies informed about the operation and environmental performance of the development;
 - (ii) receive, handle, respond to, and record complaints;
 - (iii) resolve any disputes that may arise;
 - (iv) respond to any non-compliance;
 - (v) respond to emergencies; and
 - (c) include the following environmental management plans:
 - (i) Work Place Travel Plan (see Condition B12); and
 - (ii) Flood Emergency Response (see Condition B19).
- C7. The Applicant must:
 - (a) not commence operation until the OEMP is approved by the Planning Secretary; and
 - (b) operate the development in accordance with the OEMP approved by the Planning Secretary (and as revised and approved by the Planning Secretary from time to time).

REVISION OF STRATEGIES, PLANS AND PROGRAMS

- C8. Within three months of:
 - (a) the submission of a Compliance Report under condition C15;
 - (b) the submission of an incident report under condition C10;
 - (c) the submission of an Independent Audit under condition C18;
 - (d) the approval of any modification of the conditions of this consent; or
 - (e) the issue of a direction of the Planning Secretary under condition A2(b) which requires a review, the strategies, plans and programs required under this consent must be reviewed.
- C9. If necessary to either improve the environmental performance of the development, cater for a modification or comply with a direction, the strategies, plans and programs required under this consent must be revised, to the satisfaction of the Planning Secretary. Where revisions are required, the revised document must be submitted to the Planning Secretary for approval within six weeks of the review.

Note: *This is to ensure strategies, plans and programs are updated on a regular basis and to incorporate any recommended measures to improve the environmental performance of the development.*

REPORTING AND AUDITING

Incident Notification, Reporting and Response

- C10. The Department must be notified in writing to compliance@planning.nsw.gov.au immediately after the Applicant becomes aware of an incident. The notification must identify the development (including the development application number and the name of the development if it has one) and set out the location and nature of the incident. Subsequent notification requirements must be given, and reports submitted in accordance with the requirements set out in Appendix 4.

Non-Compliance Notification

- C11. The Department must be notified in writing to compliance@planning.nsw.gov.au within seven days after the Applicant becomes aware of any non-compliance.
- C12. A non-compliance notification must identify the development and the application number for it, set out the condition of consent that the development is non-compliant with, the way in which it does not comply and the reasons for the non-compliance (if known) and what actions have been, or will be, undertaken to address the non-compliance.
- C13. A non-compliance which has been notified as an incident does not need to also be notified as a non-compliance.

Compliance Reporting

- C14. No later than 6 weeks before the date notified for the commencement of construction, a Compliance Monitoring and Reporting Program prepared in accordance with the Compliance Reporting Post Approval Requirements (Department 2018) must be submitted to the Department.
- C15. Compliance Reports of the project must be carried out in accordance with the Compliance Reporting Post Approval Requirements (Department 2018).
- C16. The Applicant must make each Compliance Report publicly available no later than 60 days after submitting it to the Department and notify the Department in writing at least 7 days before this is done.

Independent Audit

- C17. No later than 4 weeks before the date notified for the commencement of construction, an Independent Audit Program prepared in accordance with the Independent Audit Post Approval Requirements (Department 2018) must be submitted to the Department.
- C18. Independent Audits of the development must be carried out in accordance with:
- (a) the Independent Audit Program submitted to the Department under condition C17 of this consent; and
 - (b) the requirements for an Independent Audit Methodology and Independent Audit Report in the Independent Audit Post Approval Requirements (Department 2018).
- C19. In accordance with the specific requirements in the Independent Audit Post Approval Requirements (Department 2018), the Applicant must:
- (a) review and respond to each Independent Audit Report prepared under condition C18 of this consent;
 - (b) submit the response to the Department; and
 - (c) make each Independent Audit Report and response to it publicly available no later than 60 days after submission to the Department and notify the Department in writing at least 7 days before this is done.

Monitoring and Environmental Audits

- C20. Any condition of this consent that requires the carrying out of monitoring or an environmental audit, whether directly or by way of a plan, strategy or program, is taken to be a condition requiring monitoring or an environmental audit under Division 9.4 of Part 9 of the EP&A Act. This includes conditions in respect of incident notification, reporting and response, non-compliance notification, compliance reporting and independent auditing.

Note: For the purposes of this condition, as set out in the EP&A Act, "monitoring" is monitoring of the development to provide data on compliance with the consent or on the environmental impact of the development, and an "environmental audit" is a periodic or particular documented evaluation of the development to provide information on compliance with the consent or the environmental management or impact of the development.

ACCESS TO INFORMATION

- C21. At least 48 hours before the commencement of construction until the completion of all works under this consent, including rehabilitation and remediation, the Applicant must:
- (a) make the following information and documents (as they are obtained or approved) publicly available on its website:
 - (i) the documents referred to in condition A2 of this consent;
 - (ii) all current statutory approvals for the development;
 - (iii) all approved strategies, plans and programs required under the conditions of this consent;
 - (iv) the proposed staging plans for the development if the construction, operation or decommissioning of the development is to be staged;
 - (v) regular reporting on the environmental performance of the development in accordance with the reporting requirements in any plans or programs approved under the conditions of this consent;
 - (vi) a comprehensive summary of the monitoring results of the development, reported in accordance with the specifications in any conditions of this consent, or any approved plans and programs;
 - (vii) a summary of the current stage and progress of the development;
 - (viii) contact details to enquire about the development or to make a complaint;
 - (ix) a complaints register, updated monthly;
 - (x) the Compliance Report of the development;
 - (xi) audit reports prepared as part of any Independent Audit of the development and the Applicant's response to the recommendations in any audit report;
 - (xii) any other matter required by the Planning Secretary; and
 - (b) keep such information up to date, to the satisfaction of the Planning Secretary.

APPENDIX 1 DEVELOPMENT LAYOUT PLANS

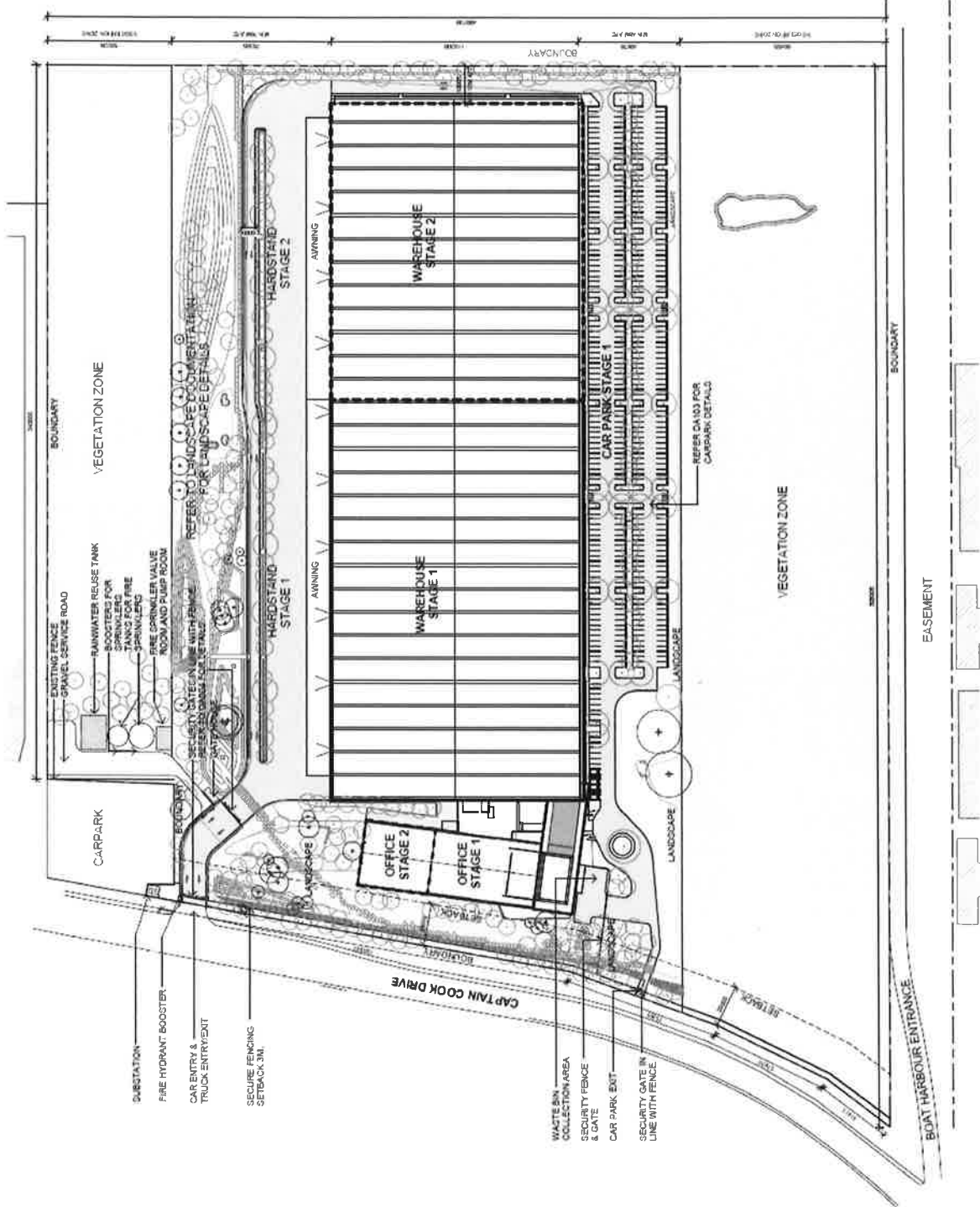
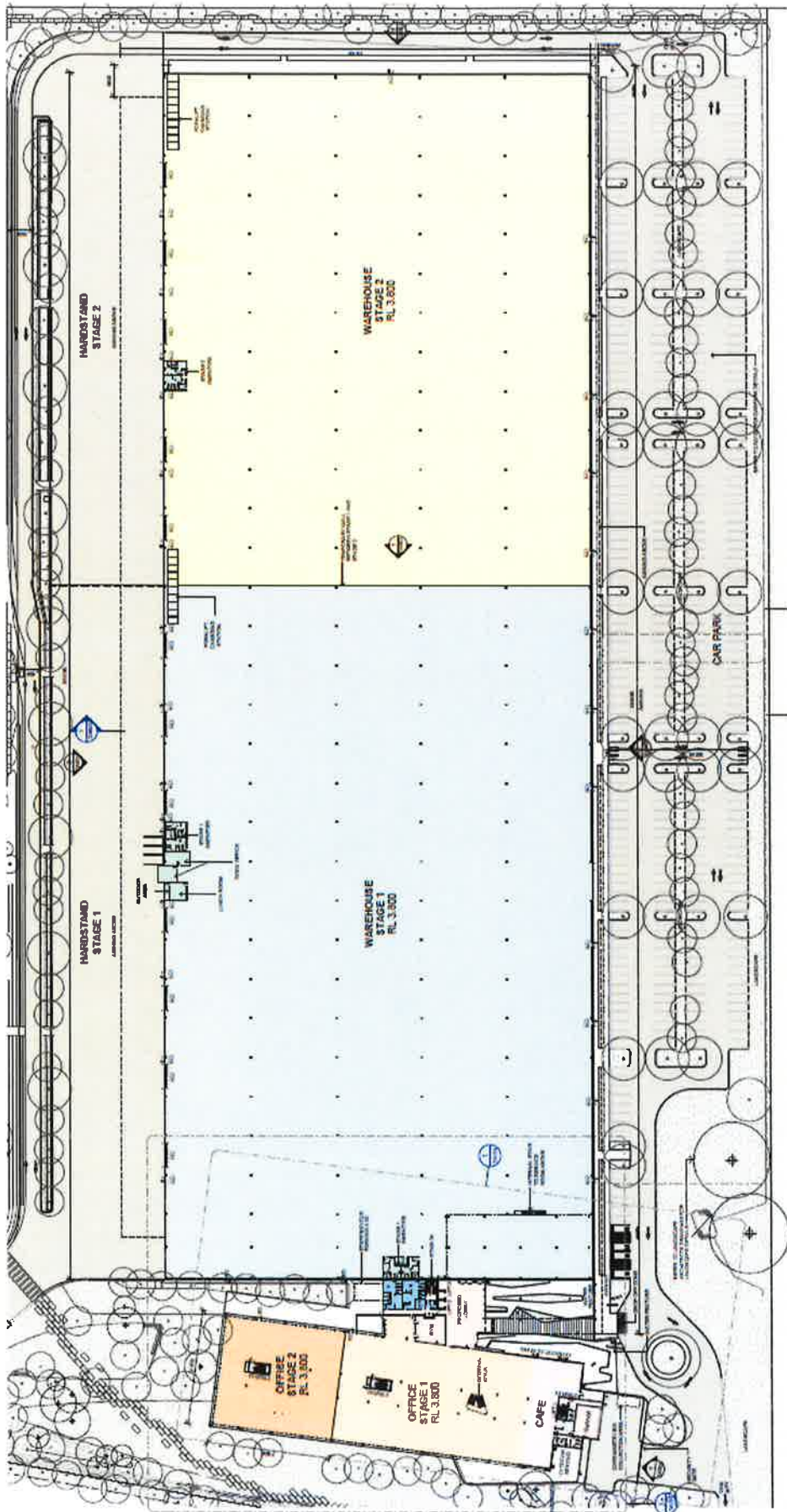


Figure 1: Site Plan and Staging Plan



1 GROUND FLOOR PLAN
SCALE: 1:500

- LEGEND
- WAREHOUSE STAGE 1
 - WAREHOUSE STAGE 2
 - OFFICE INCLUDING KITCHEN AND AMENITIES
 - GARAGE OVER LOBBY
 - OFFICE STAGE 1
 - OFFICE STAGE 2
 - CORE
 - ROOF TOP SERVICES PLANT 3
 - WAREHOUSE OFFICE LOBBY
 - OFFICE AMENITIES INCLUDING KITCHEN
 - OFFICE PLANT AT GROUND LEVEL



DICKER DATA
238-258 CAPTAIN COOK DRIVE,
KORNELL, NSW 2231

DEVELOPMENT APPLICATION

GROUND FLOOR PLAN

DAVID	DATE	15/05/2017
ARCHITECT	DRAWING NO.	A1
	REVISION NO.	A1
	PROJECT NO.	15020
	SCALE	1:500

1:500

Figure 2: Ground Floor Plan

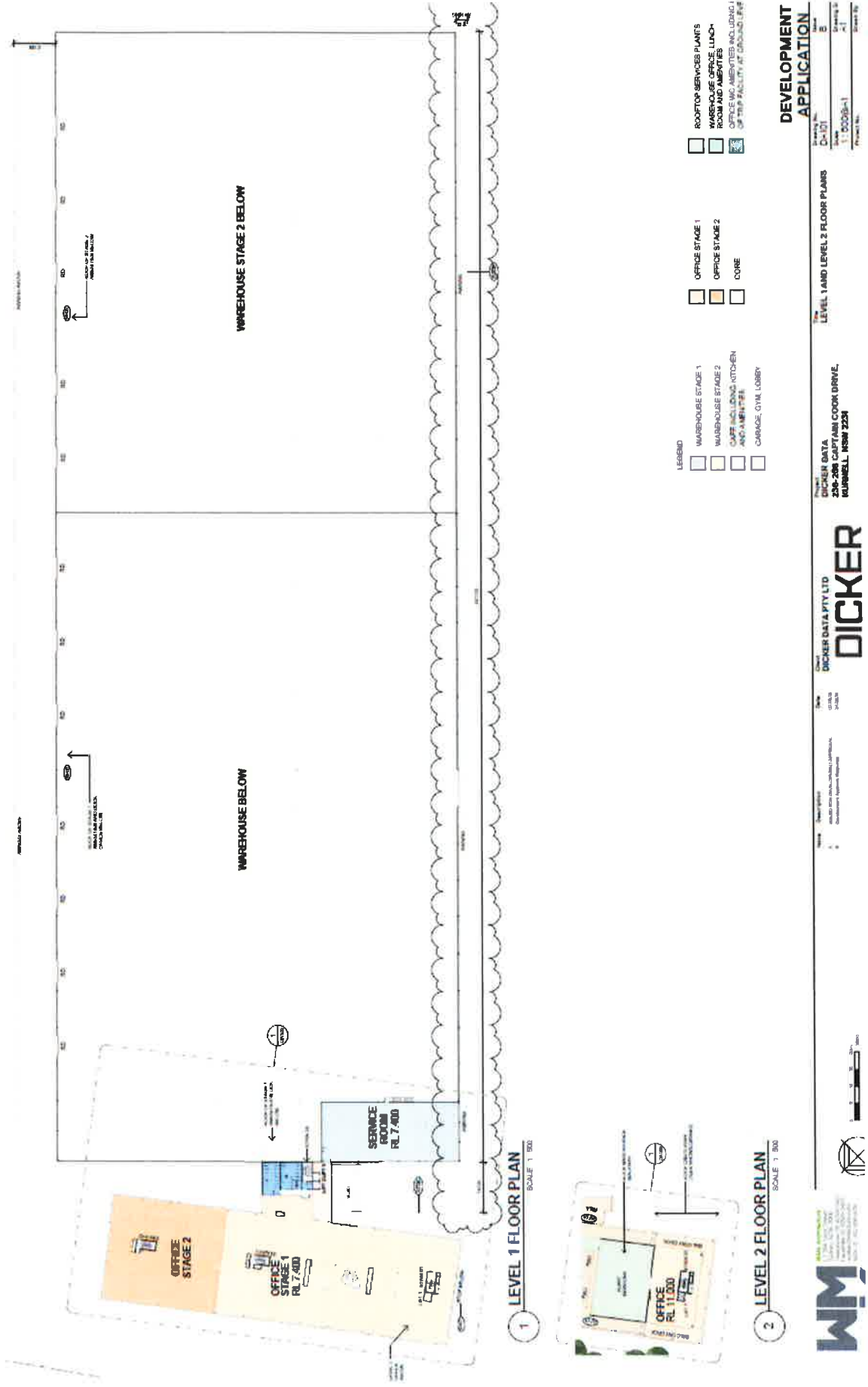
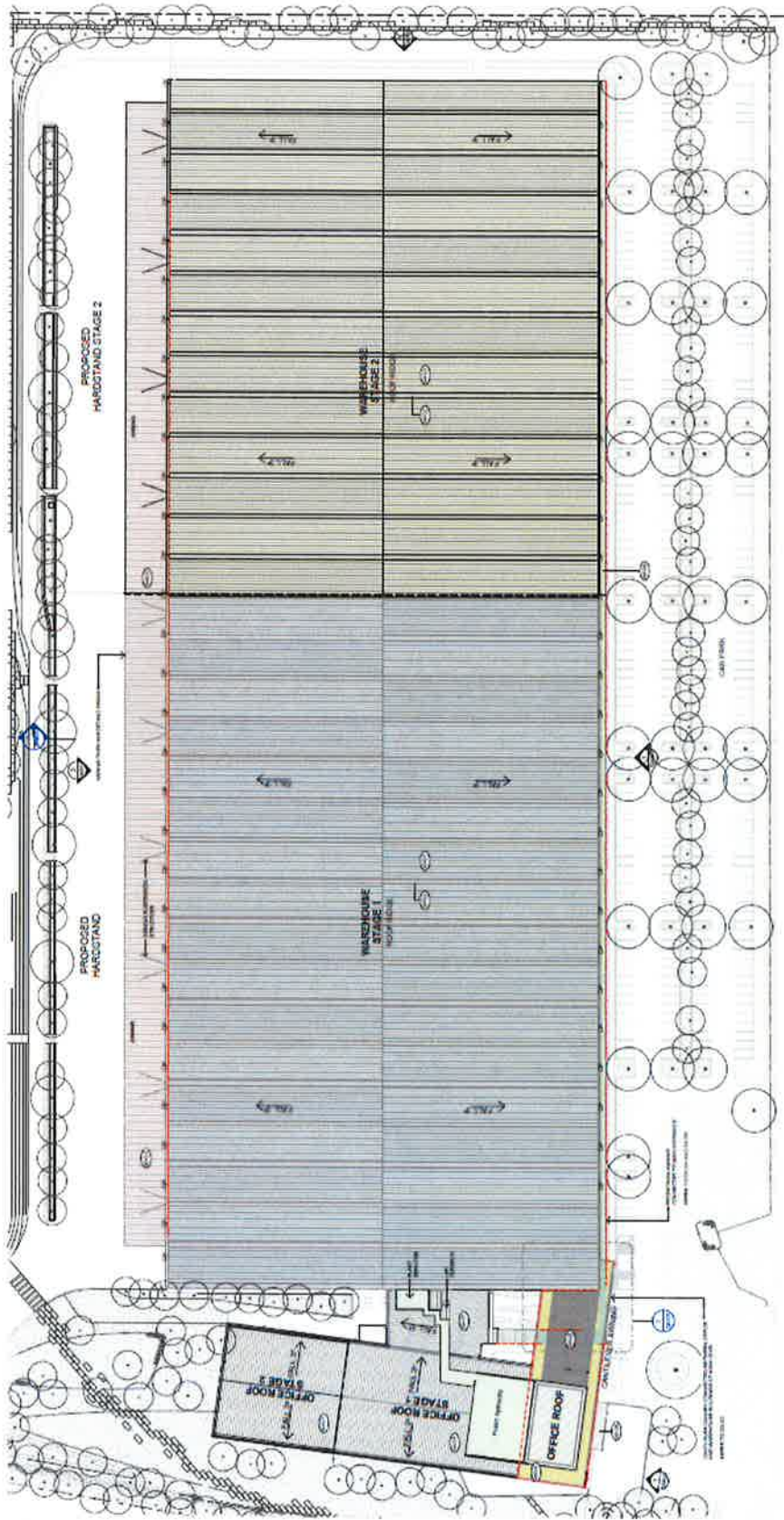


Figure 3: Level 1 and Level 2 Floor Plans



1 ROOF PLAN
SCALE: 1:100

- ROOF LEGEND**
- WAREHOUSE STAGE 1
 - WAREHOUSE STAGE 2
 - OFFICE ROOF
 - OFFICE STAGE 1
 - OFFICE STAGE 2
 - UNUTILISED CANOPY
 - HANDICAPPED PARKING
 - ROOF TOP SERVICES PLANS
 - HORIZONTAL AIRING

DICKER DATA
218, 228 CAPTAIN COOK DRIVE,
MURRELL, NSW 2231

DICKER

1 | A | T | A

DEVELOPMENT APPLICATION

Project No: 1-500043
Drawing No: A1
Scale: AS1
Project File: 8562
Client: DICKER DATA

W M K
ARCHITECTS
100/102 WILSON STREET
MURRELL NSW 2231
PH: 02 4321 1111
WWW.WMKARCHITECTS.COM.AU

Figure 4: Roof Plan

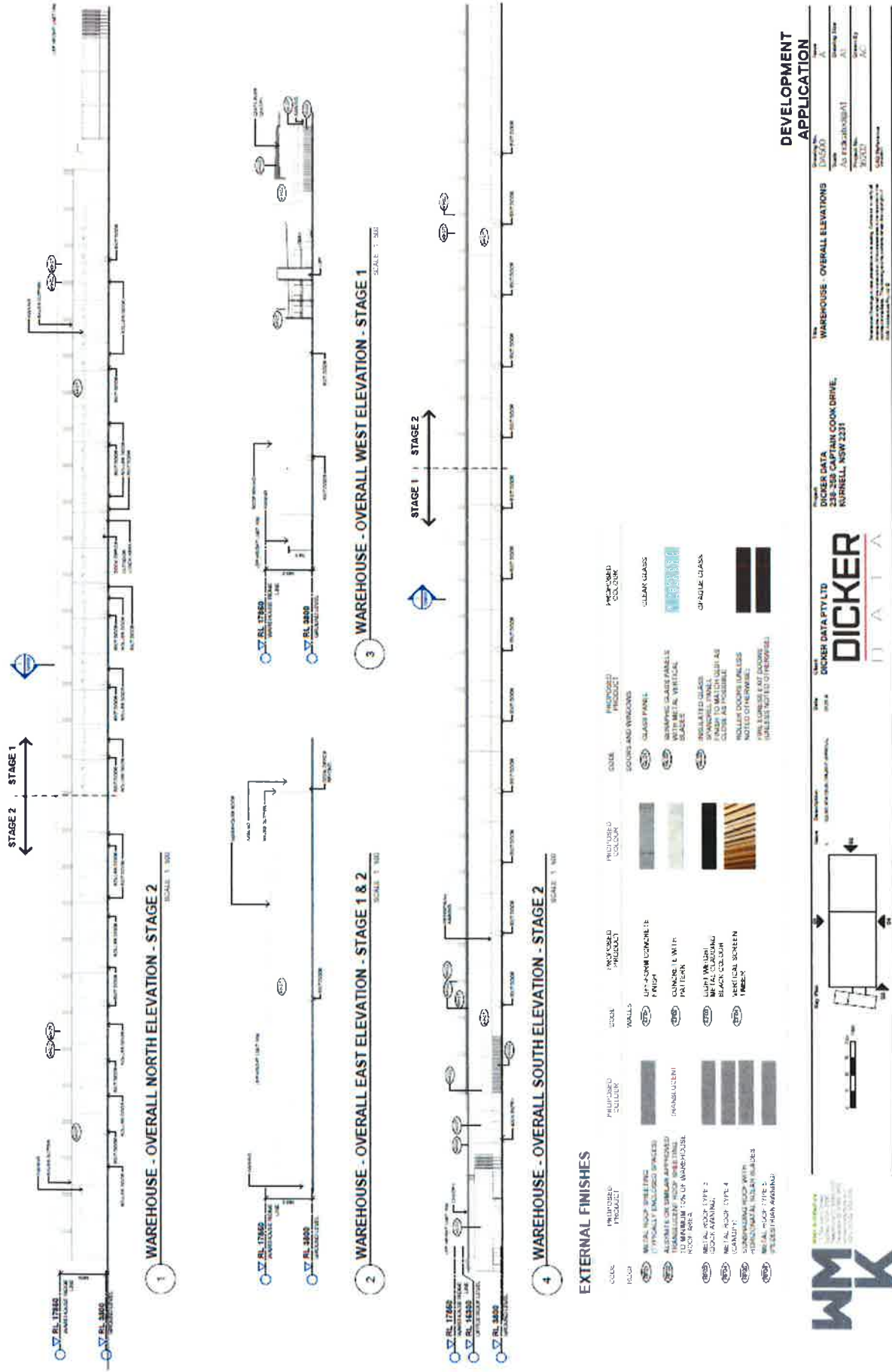


Figure 5: Warehouse – Overall Elevations

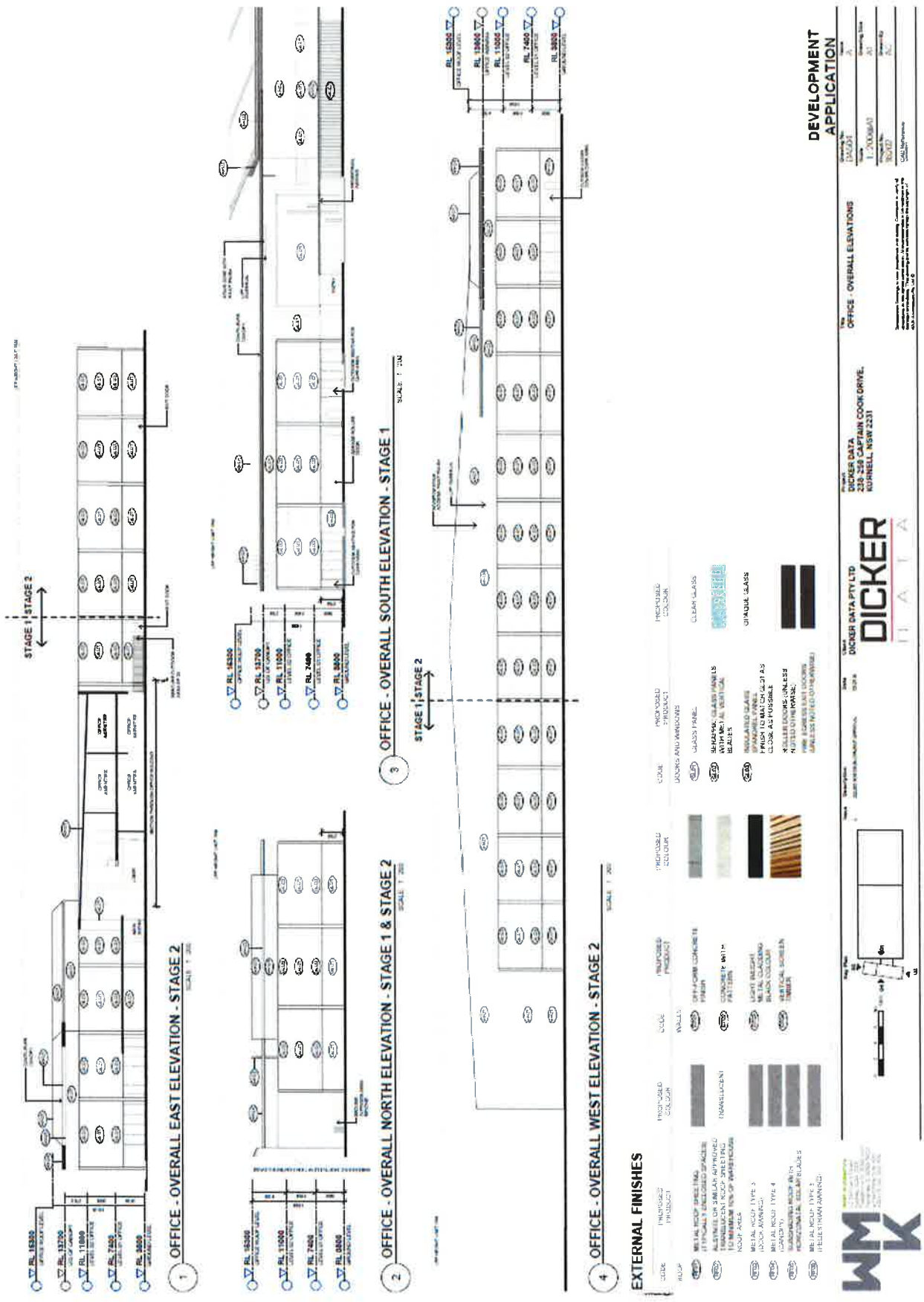
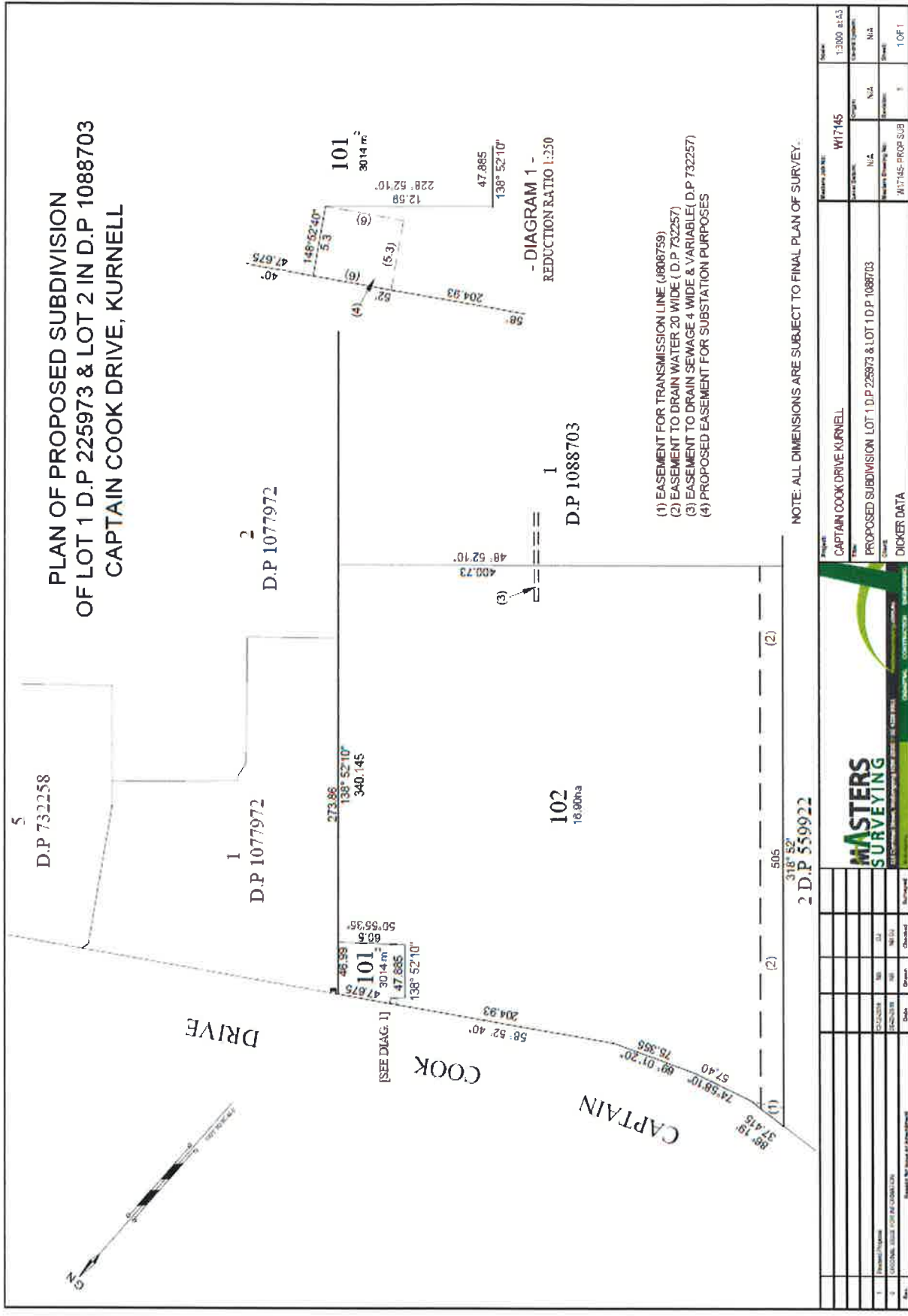


Figure 6: Office – Overall Elevations

PLAN OF PROPOSED SUBDIVISION OF LOT 1 D.P. 225973 & LOT 2 IN D.P. 1088703 CAPTAIN COOK DRIVE, KURNELL



Project Name	WT1745	Date	1/07/15
Client Name	N/A	Project No.	N/A
Scale	1:250	Sheet No.	1 OF 1

Figure 7: Plan of Subdivision Lot 1 DP 225973 and Lot 2 DP 1088703

APPENDIX 2 NEARBY SENSITIVE RECEIVERS



Legend: ● Noise logger ■ Site boundary ■ Residential ■ Industrial ■ Hotel/Hospital

Figure 8: Nearby Sensitive Receivers

APPENDIX 3 APPLICANT'S MANAGEMENT AND MITIGATION MEASURES

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 <i>Aboriginal Cultural Heritage Management Plan (ACHMP)</i> 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	<ul style="list-style-type: none"> - 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

APPENDIX 4 INCIDENT NOTIFICATION AND REPORTING REQUIREMENTS

WRITTEN INCIDENT NOTIFICATION REQUIREMENTS

1. A written incident notification addressing the requirements set out below must be emailed to the Department at the following address: compliance@planning.nsw.gov.au within seven days after the Applicant becomes aware of an incident. Notification is required to be given under this condition even if the Applicant fails to give the notification required under condition C10 or, having given such notification, subsequently forms the view that an incident has not occurred.
2. Written notification of an incident must:
 - a. identify the development and application number;
 - b. provide details of the incident (date, time, location, a brief description of what occurred and why it is classified as an incident);
 - c. identify how the incident was detected;
 - d. identify when the applicant became aware of the incident;
 - e. identify any actual or potential non-compliance with conditions of consent;
 - f. describe what immediate steps were taken in relation to the incident;
 - g. identify further action(s) that will be taken in relation to the incident; and
 - h. identify a project contact for further communication regarding the incident.

INCIDENT REPORT REQUIREMENTS

3. Within 30 days of the date on which the incident occurred or as otherwise agreed to by the Planning Secretary, the Applicant must provide the Planning Secretary and any relevant public authorities (as determined by the Planning Secretary) with a detailed report on the incident addressing all requirements below, and such further reports as may be requested.
4. The Incident Report must include:
 - a. a summary of the incident;
 - b. outcomes of an incident investigation, including identification of the cause of the incident;
 - c. details of the corrective and preventative actions that have been, or will be, implemented to address the incident and prevent recurrence; and
 - d. details of any communication with other stakeholders regarding the incident.