



## **Response to Submissions**

### **State Significant Development SSD 17\_8662**

### **238-258 Captain Cook Drive, Kurnell Dicker Data Warehouse and Distribution Centre**

**Prepared for**

**Dicker Data Pty Ltd**

**By  
BBC Consulting Planners**

**Job No 17-086**

**September 2018**



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## **1. INTRODUCTION**

A development application for State significant development (SSD 17\_8662) for the construction of a new warehouse and distribution centre with ancillary office accommodation, car parking, vehicular access, utilities, landscaping, amenities, related works and subdivision for the Dicker Data site at 238-258 Captain Cook Drive, Kurnell was on public exhibition from 7th of June 2018, till 5th of July 2018.

In total, 9 submissions were received with eight local and State government agency submissions and one public submission.

The applicant, Dicker Data Pty Ltd, and its team of consultants have reviewed all comments within submissions and, in accordance with S5.17(6) of the Environmental Planning and Assessment Act 1979 and cl85A(2) of the Environmental Planning and Assessment Regulation 2000, responds to the issues raised in the submissions in Section 3 of this report.

The Department of Planning and Environment has requested additional information to be provided to the Department. This additional information is provided in Section 4 of this report.

## 2. SUMMARY OF SUBMISSIONS

This section of the report provides a detailed summary of, and response to, the submissions received from members of the general public and from organisations and government agencies.

### 2.1 General Public Submissions

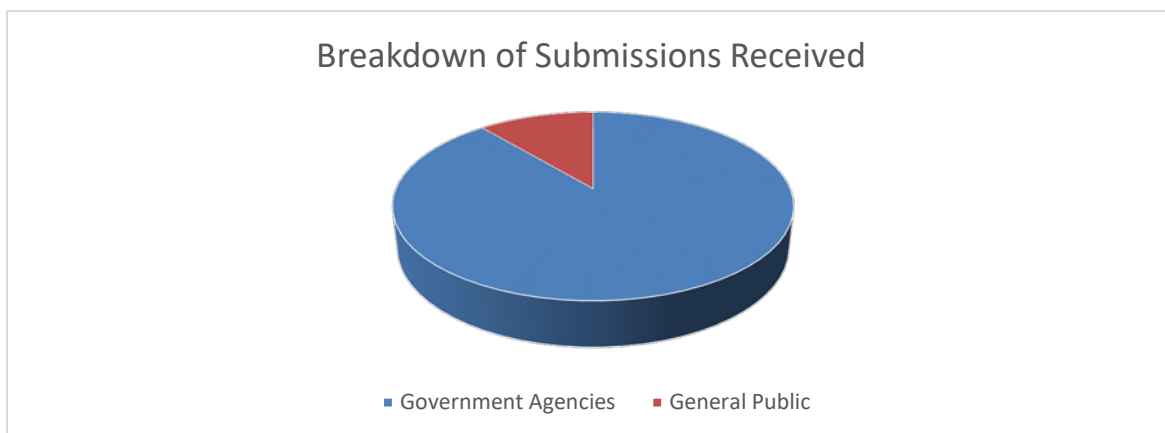
Only one submission was received in relation to the application from the general public. This was received from consultants acting for Besmaw Pty Ltd who are owners of land adjoining the site.

### 2.2 Government Agency and Local Council

A total of eight submissions were received from State and Local agencies/ authorities:

- Sutherland Shire Council
- Environmental Protection Authority
- NSW Heritage Council
- Sydney Water
- Department of Industry
- Safe Work NSW
- Office of Environment and Heritage
- Roads and Maritime Services.

Issues raised by Government Agencies can be found in the table below with accompanying responses from the applicant.



### **3. CONSIDERATION OF SUBMISSIONS**

The following table presents a summary of the issues raised in the submissions made during and after the exhibition period. A total of nine submissions were received by Sutherland Shire Council. Of these:

- One was from private individuals/ companies;
- Eight were from State and Local government agencies.

The table provides the proponent's response to the submissions.

Organisation	Comment	Response
Sutherland Shire Council	1. Contaminated Land	
	1.1 Remedial Action Plan <ul style="list-style-type: none"> <li>• The applicant must address the 6 conditions provided by the NSW EPA accredited site auditor in their site audit interim advice dated 12 December 2017.</li> </ul>	<p>The 6 conditions provided by the NSW EPA accredited site auditor in their site audit interim advice dated 12 December 2017 (Appendix 4 of EIS) have been addressed through completion of an Environmental Site Assessment (ESA) and Environmental Management Plan (EMP), which will be endorsed by the Site Auditor (refer to the WSP letter in Appendix 1).</p> <p>The site Auditor has issued a further interim advice note (Appendix 2) reviewing the RAP Rev 4 confirming that the site is capable of being made suitable for the proposed development.</p>
	<ul style="list-style-type: none"> <li>• Once these conditions have been satisfactorily addressed; a final RAP and EMP must be prepared and reviewed by the site auditor and Council (in accordance with Section 3.4.6 of the NSW EPA Site Auditor Guidelines).</li> </ul>	<p>An addendum to the RAP and Environmental Management Plan will be issued to the site auditor for approval. This does not need to be reviewed by the Council. This approach is consistent with the submission from the EPA.</p>
	1.2 Proposed Remedial Approach <ul style="list-style-type: none"> <li>• Investigations required to address data gaps and investigations required to finalise remedial decisions relating to groundwater must be undertaken prior to finalising the Remedial Action Plan.</li> </ul>	<p>The Data Gap has been addressed with further investigation, sampling and testing in January 2018 (as reported in the ESA) the findings are to be incorporated in the addendum to the RAP.</p>
	1.3 Asbestos Impacted Material Containment <ul style="list-style-type: none"> <li>• The applicant must address the 6 conditions provided by the NSW EPA accredited site auditor in the site audit interim advice (12 December 2017).</li> </ul>	<p>The 6 conditions have been addressed, refer to Appendix 1.</p>
	<ul style="list-style-type: none"> <li>• Once these conditions have been satisfactorily addressed, a final RAP and EMP must be prepared and reviewed by the site auditor and endorsed by Council, before final acceptance by the site auditor.</li> </ul>	<p>The EPA certified site auditor is the approval authority and endorsement by Council is not necessary. Endorsement of the RAP addendum and the EMP can be made a condition of consent. This approach is consistent with the submission from the EPA.</p>

Organisation	Comment	Response
	<p>1.4 Potential re-use of hazardous material</p> <ul style="list-style-type: none"> <li>The re-use of any demolished materials or items from the site must only be undertaken once the materials are given the “all-clear” following a hazardous material survey to be undertaken by an appropriately qualified, experienced and certified Occupational Hygienist. The Occupational Hygienist must certify that the demolished materials are free from asbestos and other hazardous materials, or chemicals, prior to re-use within any landscaping works on the site.</li> </ul>	<p>Can be addressed by condition of development consent if considered necessary by DPE.</p>
	<p>2. Acid Sulfate Soils</p>	
	<p>A new Acid Sulfate Soil Assessment must be undertaken that has regard for the current development proposal and addresses the proposed construction methodologies. This assessment must be undertaken by an appropriately qualified and experienced environmental consultant in accordance with the requirements of the NSW Acid Sulfate Soil Manual (ASSMAC 1998), and be submitted for assessment and prior to determination. If acid sulfate soils are identified during the investigation, or as recommended by the environmental consultant, an acid sulfate soil management plan must also be prepared and submitted with the assessment to the consent authority.</p> <p>The appropriately qualified and experienced environmental consultant must be certified by one of the following certification schemes:</p> <ul style="list-style-type: none"> <li>-EIANZ ‘Certified Environmental Practitioner - Site Contamination’ scheme (CEnvP SC).</li> <li>-Soil Science Australia ‘Certified Professional Soil</li> </ul>	<p>A Contingency Acid Sulphate Soil Management Plan has been prepared by Douglas Partners (Appendix 3). This assessment did not detect any ASS within the top 2m soil profile of the site. Based on the expected depth of ASS and the proposed excavation depth of 1 metre, ASS is not expected to be encountered during the main excavation works at the site. Notwithstanding a management strategy has been prepared (Appendix 3).</p>

Organisation	Comment	Response
	Scientist – Contaminated Site Assessment & Management’ or “Soil Survey’ scheme (SSA CPSS CSAM or SS)	
	3. Architectural Design	
	<ul style="list-style-type: none"> <li>It is recommended that further investigation be undertaken with regard to implementing passive solar design principles into the building, such as external shading treatment, rather than relying on a performance solution. *Require further details of the glazing units proposed to ensure minimal external impacts regarding reflectivity.</li> </ul>	<p>A performance based solution has been implemented to address the solar impact on the building. This is described in the Section J JV3 report, February 2018 (Appendix 4).</p> <p>Further the landscape design has been amended (refer to amended landscape plans in Appendix 5) to provide improved screening/glare reduction and shading of the eastern facing glazed facade along the boundary. Trees with a mature tree height of 15 metres is proposed.</p>
	<ul style="list-style-type: none"> <li>To provide greater all-weather protection for pedestrians along the southern side of the warehouse building, increase the width of the awning to 3.0m.</li> </ul>	<p>The awning has been amended to 3m wide, Refer to updated Architectural drawings DA101 &amp; DA600 for increased pedestrian canopy depth as requested (Appendix 6).</p> <p>The landscape plans have been developed recognising the heat load and to include larger growing deciduous trees along the north - west façade of the office building to shade out the face of the building in summer and allow passive solar heating in the winter months.</p>
4. Flood Risk	See below response to point 4.2.	



Organisation	Comment	Response
	<p>4.1 Stormwater Management</p> <ul style="list-style-type: none"> <li>• DRAINS models should be updated considering the increased pervious areas noted above. The stormwater management report, including recommended stormwater quantity management measures, and stormwater plans should be updated accordingly. Stormwater quality information should also be revised with the amended post development discharge rates.</li> <li>• The proposed use of the existing detention pond for storage is not supported. The pre developed scenario should be reassessed to include the existing pond and the proposed quantity management strategy developed considering the pre developed discharge rates.</li> <li>• OSD tanks should be shown on the stormwater concept plans.</li> <li>• Sub-catchments for the existing scenario should be developed to identify the permissible discharge rates to the National Parks wetland to the north of the site. *The stormwater quality management strategy should be amended in accordance with the comments above.</li> <li>• The stormwater quality management strategy should be amended to meet the pollution reduction targets outlined in the Sydney Metropolitan CMA Botany Bay &amp; Catchment</li> </ul>	<p>The DRAINS model has been updated to reflect site area characteristics including impervious/pervious area as well as infiltration parameters from Douglas Partners.</p> <p>The stormwater report and plans have been, including stormwater quality has been revised and reissued (Appendix 8).</p> <p>Reference to the existing pond is removed from the report</p> <p>Reference to OSD tanks have been removed from the report.</p> <p>Site catchment plans for the existing and proposed site have been provide in the revised report.</p> <p>Stormwater quality control design has been updated.</p>

Organisation	Comment	Response
	<p>Water Quality Improvement Plan.</p> <ul style="list-style-type: none"> <li>• The plan and report should be developed in accordance with the Guidelines for developments on land managed by the Office of Environment and Heritage (OEH guidelines).</li> <li>• The proposed development should be in accordance with Chapter 38 of SSDCP 2015, Stormwater Management Specifications 2009, and the Public Domain Design Manual Specifications.</li> <li>• The recommended condition in the appendix be included addressing public drainage infrastructure issues and the stormwater drainage concept generally.</li> </ul>	<p>The stormwater report and plans have been, including stormwater quality has been revised and reissued.</p> <p>The stormwater report and plans have been, including stormwater quality has been revised and reissued.</p> <p>The stormwater report and plans have been, including stormwater quality has been revised and reissued.</p>

Organisation	Comment	Response
	<p><b>4.2 Flood Risk Management</b>            To adequately address flood risk, it is recommended that the following be provided for further assessment by the consent authority:</p> <ul style="list-style-type: none"> <li>- Determine a suitable infiltration rate through field testing;</li> <li>-The ground floor level be raised to the FPL considering SLR, i.e. to 4.3m AHD; Car parking be raised to at least the 1% AEP flood level, i.e. 3.3m AHD;</li> <li>-Offsite flood impacts are mitigated so that they do not exceed 10mm;</li> <li>-The model and flood study be amended considering the comments provided above; and</li> <li>-The proposed development and flood study comply with all relevant flood related development controls outlined in Chapter 40 of SSDCP 2015.</li> </ul> <p>Due to the insufficient information provided in the application regarding stormwater management and flood risk management, and the potential environmental impacts resulting from the proposal, the development is not supportable in its current form. The applicant should address the recommendations provided above prior to determination of the application.</p>	<ul style="list-style-type: none"> <li>- Infiltration rates have been updated based on the geochemical testing. The lowest Hydraulic conductivity test value of <math>2.14 \times 10^{-4}</math> m/s (770mm/hr) was used with a 50% reduction (385mm/hr). This infiltration rate removes all overland from upstream catchments entering the site. The updated flood modelling shows that the increase in sea level rise does not cause flooding of the site, and that flood depths shown in the modelling within the site are only associated with surface/roof runoff from within the development site. The Tuflow model method (direct rainfall) applies the roof runoff flows directly to the surface, no allowance has been made within the model for the proposed stormwater network. The flood depths shown corresponds to the locations of infiltration basins and is a stormwater management issue rather than a flooding issue.</li> <li>- The maximum 1% AEP water level within the defined detention/infiltration storage areas is 3.2m this includes allowance for Sea Level Rise. The proposed FFL of 3.8 provides 600mm freeboard above the 1% AEP flood level. Car parking levels area also set above 3.2m.</li> <li>- As there is no overland flow entering the site from upstream catchments, and the sea level rise does not cause flooding of the site, the proposed development does not exacerbate the existing flooding. The only potential impact to offsite flooding is from stormwater runoff from the development site. The stormwater concept and strategy ensures that there is no increase in runoff from the development site up to and including the 1% AEP, Refer to Stormwater Management Plan</li> </ul> <p>Refer to 1% AEP existing and proposed flood depth maps in Appendix 10.</p> <p>The proposed flood study will be amended and reissued capturing the above and will comply with Chapter 40 of SSDCP 2015.</p>

Organisation	Comment	Response
	5. Traffic, Parking and Access	
	It is recommended that the staff exit is removed and one entry/exit point is provided for all traffic as the environmental impacts outweigh the benefits of having an additional entry/exit point.	<p>This matter is addressed in the advice from the traffic engineer contained in Appendix 7. This response highlights the benefits to separate the pedestrian vehicles and the trucks. The proposed left out only car exit provides user safety improvements.</p> <p>NSW Rural Fire Service has approved the submitted plans (refer RFS response 25-7-18 Access). The proposed second exit provides provide a safe access for fire fighters and safe exit for occupants faced with evacuation from the car park, the RFS response noted that the proposed property access road (driveway) shall comply with section 4.1.3.(2) of Planning for Bush Fire protection NSW</p> <p>Extract from Bush Fire Consultants report bush fire assessment objectives – Objective (iv) “Ensure that safe operational access/egress for emergency service personnel and occupants relocating is provided and/or available: <input type="checkbox"/> <i>Public Roads:</i> The development site has direct access/egress to Captain Cook Drive via the existing driveway. Secondary egress to Captain Cook Drive is provided via the proposed driveway from the carpark. Captain Cook Drive and the internal access driveways provide access for heavy rigid and articulated vehicles and therefore provide complying access for fire-fighting appliances.” <input type="checkbox"/> <i>Emergency Response Access / Egress:</i> The proposed development provides an entry/exit off Captain Cook and an exit from the proposed carpark, onto Captain Cook Drive. The internal driveway extends along the north-eastern aspect of the building, between the warehouse and the south-eastern boundary and through the carpark to the southwest of the warehouse/office building, exiting onto Captain Cook Drive.</p>

Organisation	Comment	Response
	Two bus stops should be installed on Captain Cook Drive as well as a pedestrian refuge island.	Can be addressed by condition of development consent if considered necessary by DPE and with the agreement of the bus service providers.
	6. Bushfire	
	Bushfire Assessment Report needs to be sent to NSWRFSS for comment	Matter for DPE
	7. BCA Compliance	
	Concurrence from NSW Fire and Rescue is needed before determination	An FEBQ may be submitted to Fire & Rescue NSW by the appointed Fire Engineer however Fire & Rescue may not comment without Development Approval, suggest this be a condition of consent.
	8. Aboriginal Archaeology	
	Recommendations of the Aboriginal Cultural Heritage Assessment Report must be incorporated into the conditions of consent.	Can be addressed by condition of development consent if considered necessary by DPE.
	10. Ecological Considerations	Can be addressed by condition of development consent if considered necessary by DPE.
	The Biodiversity Development Assessment Report (BDAR) does not address management of proposed vegetation zones along north/east and south/west boundaries. A Vegetation Management Plan should be prepared to ensure these zones are protected.	Can be addressed by condition of development consent if considered necessary by DPE.
	Environmental Protection Authority	The construction hours identified in Section 3.7 of the Environmental Impact Statement (EIS) should be consistent with the recommended standard hours for construction works as specified in the Interim Construction Noise guideline.

Organisation	Comment	Response
	<p>The remediation of the proposed site should be undertaken in accordance with the Remedial Action Plan (RAP) which has been reviewed and endorsed by an accreditor site auditor. Any revisions to the RAP (for example, following completion of the data gap investigation) should also be reviewed and endorsed by the Site Auditor (as stated in Section 3.12) prior to undertaking works.</p>	<p>Can be addressed by condition of development consent if considered necessary by DPE.</p>
	<p>Section 3.12 also refers to the preparation of a Long Term Environmental Management Plan (LTEMP). In addition to the plan being reviewed and endorsed by the site auditor and made legally enforceable, the plan should also clearly identify the responsible person(s) for implementing and maintaining the plan.</p>	<p>Can be addressed by condition of development consent if considered necessary by DPE.</p>
NSW Heritage Council	<p>No negative comment, all supportive. Recommends condition on unexpected finds.</p>	<p>Can be addressed by condition of development consent if considered necessary by DPE.</p>
	<p>The Historical Heritage Assessment (HAA) identified two items within the vicinity of the proposed development, identified in Schedules 2 &amp; 3 of the SEPP list of archaeological sites and heritage items respectively: Towra Point Nature Reserve &amp; Quibray Bay (A103) and the Australian Oil Refinery (A038) and Botany Bay National Park &amp; Kurnell Historic Site (L015-s) and Towra Point Nature Reserve Quibray Bay (L010-R). Additionally, the items identified on the State Heritage Register (SHR) and within the vicinity of the SHR, include: Cronulla Sand Dune and Wanda Beach Coastal Landscape (SHR No 01668) and Kamay Botany Bay National Park (North and South) and Towra Point Nature Reserve (SHR No 01918). However, the subject site is separated from these items by large parks</p>	<p>Noted</p>

Organisation	Comment	Response
	and roads, and the proposal would have no major adverse impacts on these items.	
	A review of the HAA indicates that the site has no demonstrable historical potential or significance within the proposed works area, with limited history of occupation and use. An assessment of the historical land use indicates no existing archaeological sites or historic heritage items will be impacted because of the proposed development. It is also noted that the above SHR items will not be directly impacted by the proposed works. As such, no further historic archaeological investigations are warranted.	Noted
Sydney Water	The existing trunk water system has capacity to service this development.	Proposed to be a condition of consent. The Sydney water approval will be the subject of a section 73 application once Development Consent is received.
	Further investigation is required to determine wastewater system capacity and servicing requirements for the proposed development.	Proposed to be a condition of consent. The Sydney water approval will be the subject of a section 73 application once Development Consent is received.
	Sydney Water recommends the proponent lodges a feasibility application to Sydney Water via a Water Servicing Coordinator prior to the Section 73 application.	Feasibility Application Lodge and response received from Sydney water, refer attached Sydney Water letter date 23 Jan 2018 (Appendix 10)
Department of Industry	The EIS does not include consideration of how the proposal (both during and after construction) may <i>'have an effect on the plants or animals within the aquatic reserve and their habitat'</i> (Section 56 of the Marine Estate Management Act 2014) with respect to Towra Point Aquatic Reserve and Boat Harbour Aquatic Reserve.	<p>The applicant's biodiversity consultant, Biosis, advises as follows:</p> <p><i>Boat Harbour Aquatic Reserve is located approximately 1.3 km to the south of the study area and is not linked to study area via any mapped waterway. Therefore no effect on the plants or animals within the aquatic reserve and their habitats are considered likely to occur during or after construction.</i></p>

Organisation	Comment	Response
		<p><i>Towra Point Aquatic Reserve is located outside the study area to the north west. A first order tributary runs in a north west direction into the Towra Point Aquatic Reserve through the south east margin of the study area, directly adjacent to an unnamed road off Captain Cook Drive (page 6).</i></p> <p><i>The proposed development will result in minor clearing of shallow rooted vegetation and the future land use will remain in-line with the current/recent historic industrial use of the site (page 46). Given no change to land use is proposed, it is not expected that construction or operational impacts to the Towra Point Aquatic Reserve will occur.</i></p> <p><i>Any potential impacts to the plants or animals within the Aquatic Reserve and their habitat are only considered to have the potential to occur through decreases to water quality or increases in sedimentation associated with the proposed construction and operation, which have the potential to occur through vegetation clearance. However, the following avoidance and mitigation measures have been recommended to protect against such impacts:</i></p> <ul style="list-style-type: none"> <li><i>- Impacts to vegetation have been restricted to the poor condition, non-threatened dune scrub vegetation present along the site's eastern boundary (page 41).</i></li> <li><i>- Implementation of temporary stormwater controls during construction and to ensure that discharges to the drainage channels are consistent with existing conditions (page 42).</i></li> <li><i>- Sediment and erosion control measures should be implemented prior to construction works commencing (e.g. silt fences, sediment traps), to protect the drainage channels to the west and to the south. These should conform to relevant guidelines, should be maintained throughout the construction period and should be carefully removed following the completion of works (page 42).</i></li> </ul>



Organisation	Comment	Response
		<p><i>The construction and operational stages of the proposed development are not considered to have an effect on the plants or animals within the aquatic reserve and their habitat' (Section 56 of the Marine Estate Management Act 2014). Given that there are no changes to the existing land use, the restricted nature and location of vegetation clearing, along with the avoidance and mitigation measures already undertaken and recommended.</i></p>
	<p>Fisheries Resources</p> <ul style="list-style-type: none"> <li>• It is noted from the EIA that groundwater and stormwater flow primarily towards Quibray Bay which is the Sanctuary Zone of Towra Point Aquatic Reserve. Variations in groundwater and stormwater flow can adversely impact marine vegetation communities and particularly saltmarsh. Extensive saltmarsh areas of Quibray Bay form important fish habitat complementing the adjacent aquatic reserve.</li> <li>• As reduction in the quality of groundwater and stormwater can adversely impact the Aquatic Reserve and associated marine vegetation communities, the following recommendations are provided:</li> <li>• To achieve protection of the receiving waters of the Aquatic Reserves both during and after construction the following groundwater objectives should be considered (including clearly stated mitigation measures):             <ul style="list-style-type: none"> <li>- Downstream ecological communities (for example saltmarsh) should not be adversely affected by the development.</li> <li>- Existing groundwater flow should be maintained.</li> </ul> </li> </ul>	<p>Site stormwater detention with infiltration will maintain existing groundwater flow rates. Further, as the proposed development is maintain site catchment flow direction and site area, there is no increase or decrease in the volume of water that will infiltrate into the groundwater.</p>

Organisation	Comment	Response
	<ul style="list-style-type: none"> <li>- Groundwater leaving the site should achieve natural dry and wet weather concentrations for the given catchment.</li> </ul>	
Safe Work NSW	No issues with the proposal	Note
Office of Environmental and Heritage	<p>Landscaping            OEH recommends the site landscaping uses a diversity of native provenance trees, scrubs and groundcover species from the relevant native vegetation communities rather than exotic species as the site is surrounded by three endangered ecological communities</p>	Can be addressed by condition of development consent if considered necessary by DPE.
	<p>Red Hot Poker            Local native plants should be used instead of Red Hot Poker as seeds from Red Hot Poker disperse in the wind and exclude roots of other plants and prevents seed germination. It could have a negative impact on the existing local native vegetation.            Recommends that Gleditsia triacanthos var. inermis and Red Hot Poker are not used in landscaping due to effects on native vegetation            The Landscape Plan is amended to use local native plant species from the relevant local native vegetation</p>	The Red Hot Poker and Honey Locust have been replaced with a native plant species, refer to amended landscape plans (Appendix 5).
	<p>Mitigation Measures            OEH recommends:            native trees removed from the site are salvaged and used to enhance habitat on site            remnant native vegetation removed from site are transplanted            see from native plants is collected and used in landscape area</p>	Can be addressed by condition of development consent if considered necessary by DPE.

Organisation	Comment	Response
	<p>Aboriginal Culture and Heritage            OEH notes the Aboriginal Cultural Heritage Assessment for this development proposes to prepare an Aboriginal Heritage Management Plan (AHMP) (section 6.3.1, page 82) and that the preparation and implementation of the AHMP has been included as a mitigation measure in the EIS (see Table 7, page 91, EIS). OEH supports the preparation and implementation of the AHMP but please note, it does not normally review these plans.</p>	Noted
	<p>Flood            The flood study report is adequate in addressing the changes in flood behaviour as part of the development. All impacts from the development are contained on site. The development has undertaken a site specific flood study and all floor levels will be above the flood planning level (page 9 of EIS). It is assumed that this flood planning level is taken from the site specific flood study undertaken as part of the development.</p>	Noted
	<p>Stormwater            The SSD site is adjacent to the Ramsar Wetland and therefore must take every measure to minimise the potential for stormwater flows to impact the wetland. In this regard they have proposed a Stormwater Management Plan (HPE Doc18/387677-13) and the proposed measures appear to be sufficient for the scale of the development and the potential for flows to impact on the wetland.</p>	Noted
Besmaw Pty Ltd	1. Traffic	

Organisation	Comment	Response
	Impacts on the entrance to Captain Cook Drive should be modelled to include the urban development potential of the Besmaw site. Consideration also needs to be given to the future development potential of the existing Dicker Data site (which is to be put on the market following establishment of the proposed facility).	TTW respond as follows (Appendix 7): <i>Future development potential of any nearby sites are not required to be assessed by this development. Assessment of road network impacts shall be the responsibility of individual developers associated with future developments. We understand that the traffic modelling by Ason Group for this development included consideration of the approved Shearwater Landing residential subdivision at the request of Council.</i>
	Any upgrade works to Captain Cook Drive, including acceleration / deceleration lanes and the provision of additional vehicular access points to Captain Cook Drive, should take into consideration the impacts on adjoining land uses and the existing entry / exit points, including access to Boat Harbour.	TTW respond as follows (Appendix 7): <i>The upgrade works along Captain Cook Drive are contained within the site property frontage, and therefore have no impacts to other property entry / exit points including access to Boat Harbour.</i>
	The cumulative effects of relocating the 80km/hr speed zone, the additional entrance points and the additional acceleration / deceleration should be comprehensively discussed, including an analysis on existing road users and the likely impacts on the traffic generated by adjoining properties.	TTW respond as follows (Appendix 7): <i>The relocation of the 60-80km/hr speed zone boundary shall increase travel time by less than 4 seconds. The change in speed is an extension of the existing 60km/hr zone, and does not introduce any new speed limits to the area. As previously detailed in Appendix D of the original TIA, the reduced speed across the development site frontage would improve safety for vehicles, pedestrians, and cyclists, which are considered clear benefits in any case. This advice is reattached to this letter as an appendix. No further analysis is required for this safety improvement and extension of an existing condition.</i>
	2. Stormwater/ Flooding	
	The applicant proposes to discharge stormwater into the pits within the Captain Cook Drive reserve. It is unclear if the drainage system has the capacity to service the proposal.	Existing drainage catchments are being maintained, and with detention and infiltration, there is no additional flows to Captain Cook Drive.

Organisation	Comment	Response
	The report identifies that the overland flow occurs to the north and south, however the 1% AEP (PMF) modelling does not assess the post-development impact on existing overland flow paths/sheet flows.	See above response to Council submission.
	The Stormwater Management Plan states that overland flow paths will convey major stormwater runoff up to the 1% AEP event, however, this event is not modelled so impacts to surrounding properties cannot be accurately assessed.	See above response to Council submission.
	3. Biodiversity	
	The Biodiversity Report incorrectly identifies several locations within the Besmaw site as containing 'native vegetation'. Several of these identified locations are in an active dredge pond associated with ongoing sand extraction operations. It is unclear what methodology has been used to categorise native vegetation within, and surrounding the site.	Areas mapped as native vegetation in the Biodiversity Report outside the project area, are based on available vegetation mapping, including The Native Vegetation of the Sydney Metropolitan Area (OEH 2016).
	The Biodiversity Report does not assess the impact of post-development stormwater runoff on nearby ecologically significant reserves (i.e. Quibray Bay and Towra Point Aquatic Reserve).	To be provided following completion of flooding investigations.
	4. Contamination	
	The SEARs requested that a Detailed Site Contamination Investigation, including soil and groundwater sampling covering the entire site, be submitted with SSD DA.	The soil and groundwater assessment has now been completed across the site and findings reported in an ESA report. An addendum to the RAP will be prepared for endorsement by the Site Auditor. Site auditor approval of the RAP addendum and EMP can be a condition of consent.
The submitted report provides a preliminary assessment and review of previous reports. No soil and groundwater sampling has been undertaken to confirm the extent of the site contamination.	The soil and groundwater assessment has now been completed across the site and findings reported in an ESA report. An addendum to the RAP will be prepared for endorsement by the Site Auditor. Site auditor approval of the RAP addendum and EMP can be a condition of consent.	

Organisation	Comment	Response
	A human health risk assessment has not been undertaken (as requested within the SEARs)	A human health risk assessment is included in the data gap ESA report and will be incorporated into the RAP addendum and EMP, both of which will be reviewed by the Site Auditor.
	The concrete slabs are identified as containing asbestos contaminated material (ACM).	The treatment of the concrete slabs with asbestos pads stuck to the under slab will be addressed as part of the Environmental Management Plan and approved by the Site Auditor.
	<b>5. Acoustic</b>	
	The acoustic report identifies the Besmaw site as being an industrial site and does not take into consideration the range of permissible uses.	The Besmaw site is zoned 7(b) Special Development zone under the SEPP Kurnell Peninsula with approved land uses for hotels, hospitals& health facilities, business park etc. The acoustic report has been revised to include an assessment of impacts on the adjoining property and has identified hotel/hospital as an additional receiver and reassessed the noise impacts and determined the proposed development at 238 Captain Cook Drive to be compliant (Appendix 9).
	<b>6. Consultation</b>	
	The SEARs require applicants to consult with local residents and stakeholders. Besmaw was not consulted.	Besmaw consultation Dicker Data has met with Besmaw to ensure compliance.
Roads and Maritime Services	Supportive of a speed zone reduction if a bus stop and pedestrian refuge facilities are provided.	Noted and can be dealt with by condition of consent.
	RMS notes that trucks require very long acceleration distances with are not always possible to accommodate in a designated acceleration lane and the proposal does not achieve the Austroads preferable lane length, which is a safety concern. In this regard a Road Safety Audit should be undertaken for the detailed design and the design amended to address any issues identified by the audit.	TTW respond as follows (Appendix 7): <i>The Austroads Guide to Road Design Part 4C does not address acceleration distances for design speeds lower than 70km/hr. Acceleration distances provided by the Austroads guideline are listed for higher speed environments as per Table 11.2 (AGRD Part 4C, 2015). It is noted that the acceleration distance is highly dependent on speed, with the distance for a 70km/hr through road (165 metres) approximately 30% lower than for an 80km/hr through road (235 metres). The proposed reduced speed environment of 60km/hr along the site frontage reduces the acceleration length significantly and the site conditions are not addressed specifically by Austroads. Lane designs of 165</i>

Organisation	Comment	Response
		<p><i>metres (including taper) for the truck access and 100 metres (including taper) for the car exit are considered appropriate for this site.</i></p> <p><i>Additionally, any further extension of the truck acceleration lane would interfere with the design of the proposed car park exit driveway. As stated previously, we believe that a separated exit driveway for the car park improves road user safety compared to a combined driveway. Given that the length of the acceleration lane would be deemed adequate with reference to the above Austroads guidelines and the lower speed environment, we recommend the proposed design for the acceleration lanes and separated driveways be retained.</i></p> <p><i>A detailed design Road Safety Audit (RSA) would not address the length of an acceleration lane, as this is not the purpose of an audit. RSAs deal with general site layouts, functions, and user interactions in a qualitative view, and do not review or consider items such as the length of an acceleration lane in quantitative terms. An RSA therefore would not address RMS' primary concern, though we believe this concern is sufficiently addressed in comments above.</i></p> <p><i>Based on prior experience in Road Safety Audits, an audit for a site and proposal such as this would likely identify risks relating to sight distance (which is very generous at this site), bus stop pedestrian activities (the bus stop and refuge have been requested by Council and RMS and will be resolved during detailed design), separation of internal vehicle movements (best achieved through separated driveways), and street lighting during night conditions. We suggest that an RSA is not necessary for the site and current proposal, however could be completed if still desired by RMS following review of the above commentary.</i></p>
	<p>RMS requests that the heavy vehicle swept paths be provided for heavy vehicles using the acceleration lane when exiting the site.</p>	<p>TTW respond as follows (Appendix 7): <i>Preliminary swept path analysis is attached to this letter demonstrating movements in and out of the driveway, see drawing SKC12. Driveway kerb radii are to be refined as part of</i></p>



Organisation	Comment	Response
		<i>the detailed design prior to construction, to cater for the appropriate vehicle swept paths, and shall be designed similarly to other heavy vehicle industrial sites in the local area. We note that vehicle swept path analysis is not a useful assessment for movements from an acceleration lane to the through traffic lane.</i>



## **4. Additional Information Requested by Department of Planning and Environment**

### **4.1 Impacts of road widening on Towra Point Nature Reserve**

TTW has confirmed that the road widening will not change the current road configuration on the bay side of Captain Cook Drive and there will therefore be no impact on Towra Point Nature Reserve.

### **4.2 Impacts of increase in road traffic on Towra Point Nature Reserve**

Any increase in traffic activity within the site would be captured in the on site drainage system. Any increase in traffic on Captain Cook Drive would be within the design capacity of the road.

## **5. Conclusion**

Following feedback received from the general public and Government agencies during the exhibition period for the Dicker Data Warehouse and Distribution Centre, the proponent has made a number of changes to documentation accompanying the application. These have been addressed in Section 3 of this report.

The revisions to the application and its supporting documentation seek to improve the application and ensure all necessary elements are addressed and assessed to the required standard.

Following the implementation of proposed changes to the application and supporting documentation, it is concluded that the Dicker Data Warehouse and Distribution Centre will not raise any further adverse impacts that cannot be effectively managed by conditions of approval.



## **APPENDICES**

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## **APPENDIX 1**

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### **WSP Response**



## **APPENDIX 2**

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### **Site Auditor Response**



## **APPENDIX 3**

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### **ASS Management Plan**



## **APPENDIX 4**

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### **Section J Report**



## **APPENDIX 5**

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### **Revised Landscape Plans**





## **APPENDIX 6**

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### **Revised Architectural Plans**



## **APPENDIX 7**

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### **TTW Traffic Response**



## **APPENDIX 8**

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### **Revised Stormwater Report**



## **APPENDIX 9**

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### **Revised Acoustic Report**



## **APPENDIX 10**

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### **Sydney Water Advice**



## **APPENDIX 11**

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### **TTW Flood Diagrams**

