



Martin Southwell - 9710 0250
File Ref: PAD15/0125

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Dear Sir/Madam

Pre-Application Discussion No. PAD15/0125
Proposal: Industrial Development and Subdivision
Property: 186-206 Captain Cook Drive, Kurnell

Council refers to the Pre-Application Discussion (PAD) held on 9 November 2015 regarding the above development proposal. Carine Elias (Team Leader), Martin Southwell (Environmental Assessment Officer), James Gogoll (Engineer), Leanne Mariana (Environmental Scientist) attended the meeting on behalf of Council. Millad Rouhana (Lomford Engineers) and Sam Taleb attended on behalf of the proponent.

The purpose of this letter is to provide a summary of the issues discussed at the meeting and provide information that will assist you should you proceed with preparing a development application (DA). Council cannot provide you with certainty on the determination of the proposal until a DA has been lodged and assessed.

Your DA will need to be supported by a Statement of Environmental Effects addressing all relevant Environmental Planning Instruments, and the detailed planning controls contained in Council's Draft Development Control Plan.

The Site and Proposal:

The site is known as 186-206 Captain Cook Drive and consists of 2 allotments. The site has 3 road frontages, being Captain Cook Drive, Sir Joseph Banks Drive and Chisholm Road. The site is directly adjoined by the Caltex refinery. The area is characterised by industrial developments. The internationally listed Towra Point Nature Reserve Ramsar site is located to the west of the site on the opposite side of Captain Cook Drive.

The site is presently unused but was previously occupied by the AGL Hydrocarbon Extraction Plant, which occupied the south-eastern corner of the site. About 60% of the site is remnant vegetation. The site is burdened by an easement that runs adjacent to its north-western boundary. This easement contains a pipeline from the Sydney Desalination Plant.

The proposal is to undertake clearing on the site and construct a warehouse and distribution centre. The centre would comprise 10 separate warehouse units, with parking for 300 cars and ancillary office space at the southern end of the site. Access is proposed through a single driveway off Chisholm Road.

The property is within Zone IN3 Heavy Industrial under the provisions of Sutherland Shire Local Environmental Plan 2015 (SSLEP 2015). The proposed development, being a *warehouse and distribution centre*, is a permissible form of development within this zone with consent from Council. Please note that no retail sales are permitted from a warehouse and distribution centre.

SSLEP 2015 indicates that the site is mapped as being affected by Acid Sulphate Soils Class 3, potentially contaminated, terrestrial biodiversity, groundwater vulnerability, high Aboriginal sensitivity and located near an AHIMS mapped Aboriginal site. These specific characteristics of the site will need to be taken into consideration when preparing your DA.

Comments on the Proposal:

The following comments are provided in respect to the concept plans presented for consideration at the meeting.

1. Draft Sutherland Shire Development Control Plan 2015 (DSSDCP 2015)

The proposal appears to be generally compliant with the building setback requirements within Chapter 29 of the DSSDCP 2015. These are a 20m setback from Captain Cook Drive, a primary frontage setback of 9m and a secondary setback of 3m. Please note that wall articulation is required.

The DSSDCP 2015 requires the use of solar panels on the roof (pitched roofs should be provided to achieve this). Office space should also achieve daylight access.

A 3m landscaped strip along the front boundary should be provided. A waste storage area must be provided in accordance with DSSDCP 2015 and any known hazardous waste must be addressed in the DA.

2. Drainage

A full drainage design prepared by an appropriately qualified engineer is to be provided with any development application lodged. The drainage design must incorporate On-Site Detention and stormwater treatment. Historically, other developments in close proximity to the site have provided a 20m wide treatment/detention / infiltration corridor.

Please contact Council's Guy Amos Stormwater Management Branch Manager to ascertain what nearby infrastructure is available in order to drain the site, and to confirm the latest flood levels for the site (if affected by revised levels).

3. Vehicle Access and Parking

The proposal constitutes Traffic Generating Development and therefore any DA for the proposal will be referred to Roads and Maritime Services (RMS) for comment.

A Traffic and Parking Impact Assessment Report will need to be submitted with any DA and must address traffic generation caused by the subdivision, including impacts on nearby intersections. If no future tenants are in mind, assumptions shall be made, noting that there is a large potential range for different tenancies / uses of the site.

As Chisholm Road is not an approved B Double route, swept path diagrams must be submitted with any DA and must show that B Double vehicles can safely navigate the intersections of Captain Cook Drive / Sir Joseph Banks Drive and Sir Joseph Banks Drive / Chisholm Road. Internal swept path diagrams within the site must also be submitted demonstrating that B Doubles can manoeuvre into, out of and within the site. Comment from a Traffic Engineer is also requested in relation to the length of the acceleration lane in Captain Cook Drive (turning left out of Sir Joseph Banks Drive).

All vehicle parking and loading docks must be designed in accordance with AS2890.1, AS2890.2 and AS2890.6, based on a B99 vehicle for access ways and B85 for parking bays. The DSSDCP 2015 requires car parking provision at a rate of 1 space per 300m² of Gross Floor Area (GFA). Any additional parking is included as GFA.

A Detailed Frontage Design Application should be submitted to Council prior to lodging a DA for the proposal, to ascertain Council's Civil Assets department's expectations for the public domain adjoining the site.

4. Environmentally Sensitive Land – Terrestrial Biodiversity and Threatened Species

The site is mapped as Environmentally Sensitive Land (Terrestrial Biodiversity) under Clause 6.5 of SSLEP 2015. The objective of this Clause is to protect native flora and fauna.

The existing vegetation at the southwest corner of the site has been classified by the NSW Office of Environment and Heritage as being "Coastal Sand Littoral Forest" which is listed as an Endangered Ecological Community under the NSW Threatened Species Conservation Act 1995.

Council's mapping system has also identified the vegetation in the south-eastern corner of the site as "Coastal Sand Littoral Forest", while the vegetation at the northern corner of the site has been identified as "Coastal Sand Tea-Tree Banksia Scrub."

Therefore, in accordance with the requirements of Chapter 38 'Natural Resource Management' of DSSDCP 2015, development proposals for this site will require an Ecological Assessment (also known as a Flora and Fauna Assessment) to be submitted with the development application. This assessment must also include an "Assessment of Significance" in accordance with the Threatened Species Conservation Act 1995.

This Ecological Assessment should be prepared by an appropriately qualified, experienced and licensed environmental consultant that is a member of the Ecological Consultants Association (NSW) or equivalent association.

5. Greenweb

Greenweb is Sutherland Shire Council's biodiversity strategy which aims to conserve and enhance Sutherland Shire's bushland and biodiversity. The site is mapped as "Greenweb Support". Therefore, in accordance with the requirements of Chapter 38 'Natural Resource Management' of DSSDCP 2015, Greenweb areas are to be landscaped with species indigenous to the Sutherland Shire. Trees and landscaping should be provided in form and configuration that maintains and enhances the core habitat and vegetated linkages.

Indigenous tree species must be selected from Council's Native Plant Selector available on Council's website. The native plant selector is a tool that recommends plants suitable for Sutherland Shire's ecosystems based on the locality.

6. Aboriginal Places of Heritage Significance

The site is identified on Council's mapping system as being of high Aboriginal heritage sensitivity and is therefore affected by Clause 5.10 of SSLEP 2015. The site is also located near an AHIMS mapped Aboriginal site. Therefore, any DA must include the findings of an investigation of the site that has been undertaken to identify whether it is affected by any Aboriginal objects or Aboriginal places of heritage significance. The investigation and accompanying report must be undertaken by an appropriately qualified heritage consultant.

7. Proximity to Refinery

The site is located within 500m of the Caltex Refinery and therefore the DA must be referred to the Department of Planning, in accordance with the Kurnell Peninsula Land Use Study 2007.

8. Environmentally Sensitive Land – Groundwater Vulnerability

The site is mapped as Environmentally Sensitive Land (Groundwater Vulnerability) under Clause 6.6 of SSLEP 2015. The objective of this Clause is to protect vulnerable groundwater resources from depletion and contamination as a result of the development.

As discussed at the PAD meeting, it was indicated to Council that a Geotechnical Investigation would be prepared to support a further development application. This investigation must therefore address the objectives and requirements of the 'Groundwater Vulnerability' Clause of the LEP. Please note that Council may be required to refer a development application for this site to the NSW Department of Primary Industries (NSW Office of Water) for the assessment of potential groundwater impacts.

9. Acid Sulfate Soils

This property is located in an area identified as Class 3 Acid Sulfate Soils on the Acid Sulfate Soil Risk Maps, in accordance with Clause 6.1 of the Sutherland Shire Local Environment Plan 2015.

Therefore, an Acid Sulfate Soil assessment must be undertaken in accordance with the requirements of the NSW Acid Sulfate Soil Manual (ASSMAC 1998), by an appropriately qualified and experienced environmental consultant.

If acid sulfate soils are identified, then an Acid Sulfate Soil Management Plan must also be prepared and submitted with the Assessment to Sutherland Shire Council.

Note: An appropriately qualified, skilled and experienced environmental consultant should be certified under the following certification schemes; or equivalent:

- Environment Institute of Australia & New Zealand (EIANZ) 'Certified Environmental Practitioner (CEnvP) Scheme
- Soil Science Australia (SSA) 'Certified Professional Soil Scientist (CPSS) scheme
- Site Contamination Practitioners Australia (SCPA)

10. Potential Contaminated Land

The land is listed in Sutherland Shire Council's Contaminated Land Register and a recent report provided to Council indicated that the land was suitable for commercial / industrial use – however, this determination relates only to the area of the site that was decommissioned in early 2015.

In accordance with the requirements of State Environmental Planning Policy No. 55 – 'Remediation of Land (SEPP 55)', and Chapter 39 'Environmental Risk' of DSSDCP2015, Council must consider whether the land is contaminated and be satisfied that the site will be suitable for the proposed development.

Therefore, in order for Council to appropriately assess contaminated land matters for the land in its entirety, a Detailed Site Contamination Investigation (which includes soil and groundwater sampling) is required to be prepared and submitted to Council. The investigation and reporting is to be undertaken by an appropriately qualified and experienced environmental consultant in accordance with relevant NSW EPA Guidelines including, but not limited to, "Guidelines for Consultants Reporting on Contaminated Sites 2011". The investigation must also meet the requirements of the National Environment Protection Measure – Assessment of Site Contamination 2013 (NEPM 2013).

The Detailed Site Contamination Investigation report must include an assessment of the suitability of the site for the proposed commercial / industrial use and also indicate any further investigation or remedial measures that may be required. Please be aware that dependant on the outcome of the Detailed Site Contamination Investigation, a Remedial Action Plan (RAP) and subsequent validation of the land may also be required.

Importantly, Council may also request that a NSW EPA Accredited Site Auditor is engaged to review the contaminated land information that is submitted to Council. If this is the case, the applicant must adhere to any conditions or recommendations made by the site auditor, if required.

Note: An appropriately qualified, skilled and experienced environmental consultant should be certified under the following certification schemes; or equivalent:

- Environment Institute of Australia & New Zealand (EIANZ) 'Certified Environmental Practitioner (CEnvP) Scheme
- Site Contamination Practitioners Australia (SCPA)

11. Utilities and Infrastructure

You are advised to make enquiry early with the various infrastructure and utility providers to ensure relevant considerations for the provision of services have been taken into account early in the building design. Urban infrastructure and utilities are reaching, or have reached maximum capacity in some localities. Electricity substations are required on occasion to ensure sufficient power to buildings and to meet flow requirements for sprinkler systems; NSW Fire have required substantial water tanks in other instances. Infrastructure to support these requirements will not be approved in the front boundary set back, or at the expense of landscaping or parking requirements.

Conclusion:

The proposal involves the construction for a large industrial warehouse and distribution centre. The site has a considerable number of environmental affectations that must be investigated further by appropriately qualified persons prior to the submission of a DA. The outcome of any DA for the proposal submitted under this Pre-Application Discussion will hinge upon the findings of those investigations. Similarly, the proposal will need to be referred to the RMS, Department of Planning and possibly NSW Office of Water for review and comment as detailed above.

It is important to note that the information provided in this letter is based on the planning instruments applicable at the time of writing. You should make yourself aware of any subsequent changes to legislation or local planning controls before lodging your development application.

For detailed information about how to prepare and lodge a development application, please refer to the "Development" section of Council's website. On the web page a "DA Guide" is available and an online tool called "Development Enquirer" which searches the applicable planning instruments for the planning controls relevant to your site and development.

Please make an appointment with Council's Development Enquiry Officers on 9710 0520 when you are prepared to lodge your application. Requests for appointments can also be made via Council's website.

Please contact Council if you believe any of the above information to be incorrect or if you need clarification of the advice provided. Your initial point of contact should be Martin Southwell (9710 0250) as this is Council's Environmental Assessment Officer who will most likely be responsible for the assessment of your DA.

Yours faithfully



Mark Adamson
Manager – Projects and Development Assessment