



File Ref: DN26/0002

28 April 2026

Rasmus Altenkamp
c/- Department of Planning Housing and Infrastructure
4 Parramatta Square, 1
2 Darcy Street
PARRAMATTA NSW 2150

Email: rasmus.altenkamp@planning.nsw.gov.au

Development Referral No. DN26/0002

Proposal: Modification seven - Infrastructure consolidation and remediation works

Property: 160-166 Captain Cook Drive, Kurnell

I refer to the above development proposal which was referred to Council for comment.

Council maintains a broadly supportive position on the modification application involving the consolidation of the buildings, equipment and infrastructure from across the site to Zones 1A and 1B. It is acknowledged that in Section 3.1.1 of the Submissions Report, the creation of lots for a future BESS and development lots for future land use activities commensurate with the zoning of the land no longer form part of the modification application.

Council has reviewed the proposal and supporting information, and considers that the revised application has broadly addressed the issues raised in our previous submission except for the following:

Environmental

The Submissions Report has broadly addressed planning issues raised in council's previous submission, but the following remain outstanding:

- a) It is acknowledged that that the application has been revised to remediate targeted parts of the Project Area to support terminal operations only, rather than future land uses (Section 3.1) and capping as a remedial approach is not required for the terminal land use. Page 25 of Submissions Report details that capping and regrading of the lands in Zones 2 and 3 will form part of a future application

However, the Submissions Report details that landform alteration and regrading works will still be undertaken to the RPIP Mountain, yet there is no detailed information of the final landform design, except commentary advising the area will be *'regraded to allow water to drain, prevent pooling in the centre....and to help prevent surface water flows from this land being impacted by sediment following works.'*

The land areas directly south and east of the RPIP Mountain contains wetlands (mapped by SEPP Resilience and Hazards 2021 and the Biodiversity Map that supplements the Biodiversity and Conservation Act 2016). Certainty must be provided, therefore, proposed finished levels and drainage design must be known as part of this application, rather than being subject of a later design following the determination.

As discussed later in this submission, Appendix G - Updated Surface Water, Wastewater and Flooding Report shows works will be constructed and augmented in and through the wetlands and this cannot be supported. The wetlands are a sensitive environmental area and works must not be undertaken in and near maintain the environmental qualities of this area, including threatened species.

- b) Acid Sulfate Soils: The depth of excavation provided in Section 4.13.5 and 4.13.6 do not align with those provided in Appendix F Updated Soils, Groundwater and Contamination Report, which details the maximum depth will be up to 4.9 metres below ground level. This will need to be corrected to ensure there is no misalignment between the supplementary impact assessment reports. This will ensure DPE-Water are able to make informed decisions, particularly regarding dewatering requirements.
- c) In the previous submission, it was detailed that due to *'Significant and new works are proposed which were never part of the original application. Council is of the opinion that developer contributions should be levied in accordance with council's development contribution plan.'*

Council maintains developer contributions must be levied as new works are proposed.

- d) Page 89: in Section 5.7.4 regarding Water Quality Impacts, the report details the following: *'The pollution of downstream waters and ecosystems may occur from surface water runoff carrying nutrients, sediments, oil, greases, and organic or inorganic contaminants into drains and watercourses.'* The next two sections detail the list of activities that may lead to impacts.
- In Section 7.4.5, reference to Section D is listed and a range of actions and measures are proposed, but no plans have been provided showing the location and design of these measures. An assessment of impacts cannot be undertaken in the absence of information. Plans must be provided to understand the location, the extent of works and measures that will occur to minimise the potential impacts.
 - Figure 7-6: to maintain and to improve the environmental qualities of the vegetation and wetlands located on and offsite, the drainage system for Catchment F must be integrated with Catchment E, which proposed to directed stormwater towards Sir Joseph Banks Drive and not to the natural retention basin. This basin is located within a high ecological vegetated area, and all necessary steps and works must be undertaken to prevent additional nutrient loadings, stormwater, pollutants and the like being conveyed to this area.

This application must future proof the sensitive environmental areas as part of this and future applications which will allow for other land use activities within Zones 2 and 3.

Drainage

- a) Pages 124 and 125 of the Submissions Report responds to the issue raised regarding the unauthorised construction of a rock lined stormwater channel. A review of historic aerial photography has revealed that a depression has existed in this area, since circa 1978, but the fact remains no development consent was granted for the enlargement of this drainage channel, for ecosystem health and/or erosion preventative measures as claimed.

In accordance with SEPP Resilience and Hazards 2021 (RHSEPP) and the Biodiversity Map that supplements the Biodiversity and Conservation Act 2016, the rock lined channel traverses a mapped wetland area. In accordance with Section 2.7(2) from RHSEPP, designated development would have been triggered for the works.

There is no provision to allow for any application to be made for retrospective works, therefore, a Building Information Certificate (BIC) must be lodged.

It is drawn to the Department's attention that in Council's previous response, '(t)he future development of land must not rely on the unauthorised drainage channel for any stormwater disposal and the like. Ideally, the channel and all associated works must be removed and the land restored to pre work conditions. A long-term vegetation and land restoration management plan should accompany any future application for the restoration of the wetland environment.'

The modification application must investigate alternate drainage requirements should council refuse the BIC.

- b) On page 128 in Section 4.13.8, a comment is made regarding that Appendix I (Updated BDAR) which concludes *that no impacts to coastal wetlands would occur with the application of additional mitigation measures outlined in Appendix G and thus no further assessment of potential impacts to coastal wetlands from stormwater flows or surface water quality is required. Additional assessment on potential impacts to coastal wetlands as a result of groundwater impacts is provided in Section 4.2.4.*

This is not agreed as the application proposes works through a wetland rather than propose an alternative which avoids all works in and through wetland areas.

- c) Further, what is of concern is the preceding comments that advises if *'water quality result show exceeding trigger values, an investigation would be undertaken to determine the cause and assess whether additional mitigation measures are required.'*

This comment infers a reactionary rather than a precautionary approach. It is acknowledged that an impact cannot be fully avoided, however, council advises that works in and through wetlands must be avoided, particularly as there is large tracts of land that are not mapped as being environmentally sensitive available where infrastructure and the like can be constructed and installed, to minimise impacts.

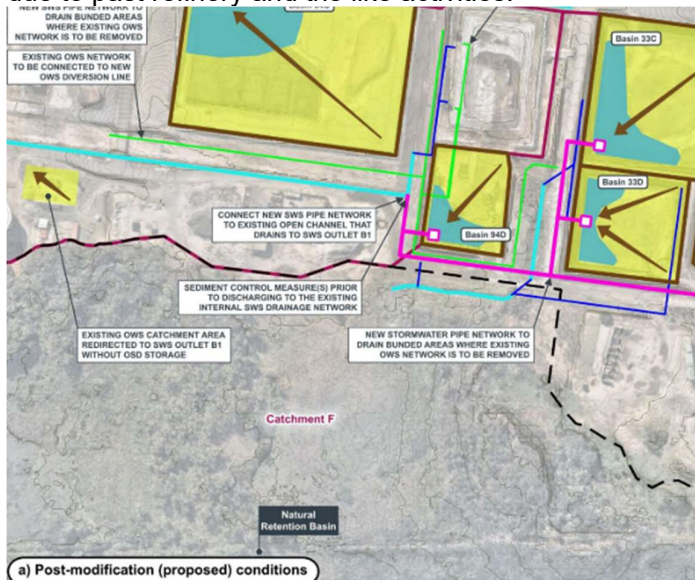
- d) In Section 4.5, it is stated that requirements for upgrades to the Surface Water System (SWS) would be investigated during detailed design. This raises concerns and any upgrades and/or augmentation should form part of the application so the totality of works are known prior to any determination. This will allow for an assessment of compliance, for potential issues to be identified and conditions to be imposed. The applicant team would have some insight and understanding as to capacity of the existing system and any need to address issues given the extent of investigation that has been undertaken to prepare the subject application and supporting material.

Ecological and Biodiversity Comments

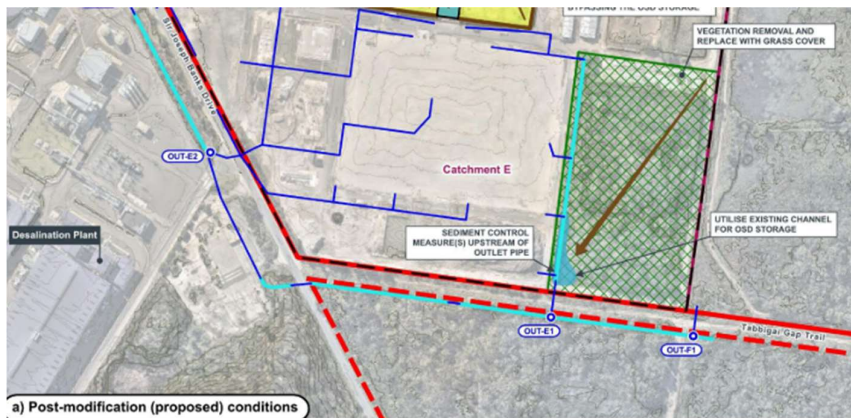
It is considered that the response has broadly addressed the issues raised in the previous submission. However, the following comments are provided:

- a) While not highlighted in our previous submission, to offset the loss of vegetation throughout the site and particularly on the RPIP Mountain, council recommends that a covenant on title is created in accordance with Section 88 of the Conveyancing Act 1919 requiring the lands within Zones 4 and 5 be retained in perpetuity as conservation areas of high ecological significance.
- b) Figures 5-5 and 5-6 from Appendix G Updated Surface Water, Wastewater and Flooding Report shows OUT-F1 and OUT-E1 (attached below) and a surface water open channel will be constructed within Zone 5 and significant environmental concerns are raised – refer to extract below.

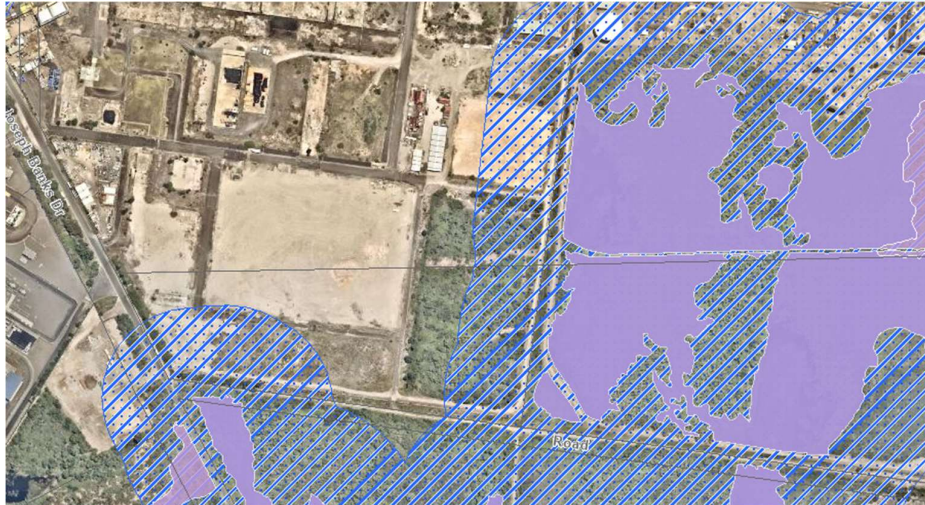
As highlighted in the previous submission, proposed works within Zones 4 and 5 must not occur to preserve these areas of high ecological significance. There is nothing preventing the installation of drainage controls, the construction of roads, installation of services and the like on already disturbed lands having little to no ecological significance due to past refinery and the like activities.



Extract of Figure 5-5 showing the reliance on the drainage swale constructed without approval and through a mapped wetland.



Extract of Figure 5-6 from Appendix G, showing infrastructure proposed adjacent to a southern access road towards Sir Joseph Banks Drive.



Council Mapping extract showing the mapped biodiversity values lands, being wetlands, their 100m buffer zones, which works are proposed.

Traffic Comments

- a) It is acknowledged that the wharf is located directly opposite 36-46 Prince Charles Parade, but it is not understood why heavy vehicles are required to access the wharf. The primary issue is the use of local residential roads being used by heavy vehicles and their impacts to residential amenity and the operation of the local road network, given the carriageway of Prince Charles Parade is significantly reduced during summer periods due to on-street parking.

Council maintains that access from Prince Charles Parade to that part of the site that is located at 36-46 Prince Charles Parade is prohibited and access must be from Captain Cook Drive. There is nothing preventing the Captain Cook Drive access being upgraded to provide practical access.

Access from Captain Cook Drive will broadly avoid heavy vehicles using and navigating through local and residential roads. Any heavy vehicle coming from the wharf will be able to drive through 36-46 Prince Charles Parade through to Captain Cook Drive to gain access to the Ampol site via Solander Street. This is the shortest path of vehicular traffic flow and will assist in minimising traffic flow and noise impacts to sensitive receptors.

- b) An issue that needs to be resolved as part of this application is the location of operational infrastructure (a weigh bridge station) which is partly located on the Ampol site and partly within the Solander Street road reserve, being council land. The persons or entity having the benefit of the consent should be compelled to relocate the infrastructure so there is no impediment to the operation of the local road network, or consider acquiring the land from council. The latter must be discussed with council's Property and Infrastructure Sections. It cannot be guaranteed the acquisition will be supported.

Flooding Comments

The matters raised in the previous submission have been adequately addressed. The limited modification to the landform is acknowledged except for the RPIP Mountain and the area referred to as Source Area Excavation 5. Both locations are small in area relative to the rest of the site and are in shallow flow areas with only partial inundation in the 1% AEP event, as a result the loss of flood storage and the potential for offsite impacts and increases in flood levels due to these works is negligible.

Based on the 1% AEP flood maps provided in Appendix G, there is no significant change to flood behaviour that can be observed within the site. This is considered acceptable. Offsite impacts cannot be determined from the maps provided in Appendix G. The text mentions no offsite flooding impacts as existing levels around the site boundary are unchanged. This is something that must be addressed prior to the determination.

Contamination Comments

The issues raised in council's previous submission have been addressed and the conceptual remediation action plan is considered acceptable.

Air Quality Comments

It is considered that the response has adequately addressed the issues raised in the previous submission.

Heritage Comments

The matters raised in the previous submission have been adequately addressed

If you need any clarification of the above comments, please contact Council's Development Assessment Officer Daniel Lukic on 9710 0668 or email dlukic@ssc.nsw.gov.au and quote the application number in the subject.

Yours faithfully



Ben Latta
Manager, Development Assessment and Certification