

Dicker Data Warehouse at 238-258 Captain Cook Drive Kurnell Independent Environmental Audit



Assessment of Dicker Data Environmental Management System in Compliance against the SSD 8662 Conditions of Consent

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This report has been prepared and reviewed in accordance with our Quality control system.

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1. Executive Summary	4
2. Introduction	6
2.1 Background	6
2.2 Project Details	6
2.3 Audit Team	7
2.4 Audit Objectives	7
2.5 Audit Scope	7
2.6 Audit Period	7
3. Audit Methodology	8
3.1 Approval of Auditors	8
3.2 Audit scope development	8
3.3 Audit Process	8
3.3.1 Opening Meeting	8
3.3.2 Conduct of Audit	8
3.3.3 Closing Meeting	8
3.4 Interviewed Personnel	8
3.5 Details of Site Inspection	9
3.6 Consultation	9
3.7 Audit Compliance Status Descriptors	9
4. Document Review	10
5. Audit Findings	13
5.1 Assessment of Compliance	13
5.2 Notices, Incidents and Complaints	14
5.3 Development Past Performance	14
5.4 Review of Previous Audit Findings	14
5.5 Audit Site Inspection	14
5.6 Suitability of Plans and the EMS	14
5.7 Actual and Predicted Impacts	15
5.8 Key Strengths	15
6. Summary of Audit Findings and Recommendations	16
Appendices	
Appendix A. Auditors Approval	18
Appendix B. Independent Audit Declaration Form	20
Appendix C. Audit Checklist and Audit Findings	21
Appendix D. Audit Photos – 13 September 2021	74
Appendix E. Consultation Records	80
Appendix F. DPIE Advisory Letter – Compliance Reporting and Independent Environmental Audit Post Approval Requirements (PAR’s)	82

1. Executive Summary

Dicker Data Ltd engaged AQUAS to undertake the independent environmental audit to assess the compliance of Dicker Data Warehouse Development at 238-258 Captain Cook Drive, Kurnell, NSW against the requirements of State Significant Development (SSD) 8662 Condition C18 Prior to Operation phase.

On 10 June 2020, an advisory letter from the Department of Planning Industry and Environment regarding the adaptation of the revised Compliance Reporting and Independent Environmental Audit Post Approval Requirements (PAR's) 2020 was sent to Dicker Data. Dicker data accepted the new arrangement adapting the PAR 2020 on 2 September 2021.

On 3 December 2020 a month before operation commencement, a written Notice of Commencing of Operation to comply with condition A6 (b) of the Consent SSD 8662 was sent to DPIE, however, due to the Modification to the Condition of Consent SSD-8662-Mod-1 - to amend the design of the building, including changes to the floor plan, ground level, amenities and stormwater management was approved by Department of Planning Industry and Environment (DPIE) on 20 December 2020. Construction is now complete, and the warehouse is expected to commence its full operation in early October 2021. Overall, the project is generally compliant with the conditions of Development Consent SSD 8662-Mod-1 as per the Interim Occupation Certificate issued by the Certifying Authority (CA) on 30 July 2021.

This audit covers the review of the pre-operational requirements of the SSD 8662 with site inspection conducted on 13 September 2021 and an online review of documents and records was undertaken on 14 September 2021. The development construction had been completed and ongoing commissioning and testing was noted.

The following key strengths were noted during this audit:

- Internal and external communication mechanisms have been established;
- No complaints and environmental incidents reported to date;
- Consultation with relevant stakeholders and sensitive receivers have been conducted;
- Good document and records control;
- Mitigation measures as per the EMP during the pre-operational phase were implemented, there were no issues raised during the inspections conducted by the auditor on 13 September 2021;
- Permanent environmental controls have been constructed as per the Development Plans and Landscape Design as certified by the CA within the interim occupation certificate;
- Long Term Environmental Management Plan was developed, reviewed by Site Auditor and submitted to DPIE; and
- Operational Environment Management Plan was developed, submitted to and was approved by DPIE on 3 February 2021.

Summary of Audit Findings

Based on the conducted independent environmental audit which comprised of document and records review, interview with key personnel and site inspection, there were a total 145 Conditions of Consent that were reviewed during this audit.

The following non-compliances were raised that need to be addressed by Dicker Data to attain full compliance with SSD 8662.

Non-Compliances

- NC-01 As per condition A2 (d) the proponent must be in compliance with the conditions of this consent, non-compliances were raised against B8A, B18A and B30A, therefore, a non-compliance to this condition A2 (d) was also raised.

Recommendation: Addressing the non-compliances on Conditions B8A, B18A and B30A will also address this non-compliance.

- NC-02 As per condition B8A, the Applicant must update the Road Safety Audit within three months of approval of SSD-8662-Mod-1, to the satisfaction of the Planning Secretary and in consultation with TfNSW. No evidence was presented to comply with this condition.
- Recommendation: The Road Safety Audit must be reviewed and updated as required by the expert to ensure compliance with the SSD-8662-Mod-1.
- NC-03 As per condition B18A, the Applicant must update the Stormwater Monitoring Program within six months of approval of SSD-8662-Mod-1, to the satisfaction of the Planning Secretary and in consultation with TfNSW. No evidence was presented to comply with this condition.
- Recommendation: The Stormwater Monitoring Program must be developed to the satisfaction of DPIE, in compliance with the SSD-8662-Mod-1 B18A.
- NC-04 As per condition B30A, the Applicant must update the Biodiversity Management Plan within six months of approval of SSD-8662-Mod-1, to the satisfaction of the Planning Secretary and in consultation with TfNSW. No evidence was presented to comply with this condition.
- Recommendation: The Biodiversity Management Plan must be reviewed by the Ecologist and be updated as required to the satisfaction of DPIE, in compliance with the SSD-8662-Mod-1 B30A. Or a confirmation letter from the Ecologist who prepared the plan that there was no additional trees/vegetation clearing conducted as part of the SSD Modification 1 scope of works that will trigger the amendment of the BMP.

The following are also noted for Dicker Data to be implemented to maintain its operational compliance to the SSD conditions and IAPAR 2020:

Operational Requirements

- An audit to be conducted within 26 weeks of the commencement of operation and at intervals, no greater than 3 years or as otherwise agreed by the Secretary; and
- Operational Compliance Report required for the duration of operation at intervals, no greater than 52 weeks from the date of commencement of operation.

2. Introduction

2.1 Background

Novati Constructions were contracted by Dicker Data Management for the construction of Warehouse at 238-258 Captain Cook Drive, Kurnell NSW which included construction of a warehouse and distribution centre with associated office, car parking, landscaping, services, and site subdivision. The following construction activities were included in the scope of works:

- Clearing of existing bushland and landscaping,
- Establishing traffic control measures,
- Foundation preparations and compaction,
- Erection of warehouse, and office
- Priming of surfaces and asphaltting,
- Installation of associated drainage and service

Construction of an acceleration lane with a bus stop and island refuge was conducted by Simmons Civil Contracting.

On 10 June 2020, an advisory letter from the Department of Planning Industry and Environment regarding the adaptation of the revised Compliance Reporting and Independent Environmental Audit Post Approval Requirements (PAR's) 2020 was sent to Dicker Data. Dicker data accepted the new arrangement adapting the PAR 2020 on 2 September 2021.

On 3 December 2020 a month before operation commencement, a written Notice of Commencing of Operation to comply with condition A6 (b) of the Consent SSD 8662 was sent to DPIE, however, due to the Modification to the Condition of Consent SSD-8662-Mod-1 - to amend the design of the building, including changes to the floor plan, ground level, amenities and stormwater management was approved by Department of Planning Industry and Environment (DPIE) on 20 December 2020. Construction is now complete, and the warehouse is expected to commence its full operation in early October 2021. Overall, the project is generally compliant with the conditions of Development Consent SSD 8662-Mod-1 as per the Interim Occupation Certificate issued by the Certifying Authority (CA) on 30 July 2021.

Dicker Data Ltd engaged AQUAS to undertake the independent environmental audit in compliance with the SSD 8662 Condition C18.

2.2 Project Details

Project Name	Dicker Data Warehouse Development
Project Application Number	SSD 8662
Project Address	238-258 Captain Cook Drive, Kurnell, NSW
Project Phase	Pre-Operation
Project Activity Summary	<p>Construction is now complete, and the warehouse is expected to commence its full operation in early October 2021. The Interim Occupation Certificate was issued by the Certifying Authority (CA) on 30 July 2021. The following site activities during this audit were:</p> <ul style="list-style-type: none"> - Commissioning and Testing - Defects rectification

2.3 Audit Team

Details of AQUAS independent environmental auditor that was approved by DPIE for this audit are as follows:

Name	Company	Position	Certification
Annabelle Tungol	AQUAS	Lead Environmental Auditor	Exemplar Global Lead Environmental Auditor – Certificate No. 119536

Endorsement by DPIE of the Lead Auditor was granted on 8 September 2021 prior to the conduct of this audit, refer to **Appendix A**. Independent Audit declaration forms are attached as **Appendix B**.

Annabelle was assisted by Barbara Pater as SAI Global Environmental Auditor in training.

2.4 Audit Objectives

The objective of this audit was to undertake the independent environmental in compliance with the Development Consent Condition SSD 8662 C18, which must be carried out in accordance with:

- The requirements for an Independent Audit Methodology and Independent Audit Report in the Independent Audit Post Approval Requirements (IAPAR 2020) as per the advisory letter from DPIE dated 10 June 2020 – Compliance Reporting and Independent Environmental Audit Post Approval Requirements (PAR’s) adaptation to the revised PAR 2020 requirements refer to **Appendix F**.

2.5 Audit Scope

The scope of this audit comprised of the following:

- Review of the pre-operational compliance with the Development Consent SDD 8662;
- Review of implementation of the permanent environmental controls i.e. stormwater management, waste management, traffic, sustainability requirements (solar panels and electric car charging bays), parking requirements, rainwater harvesting, protection of aboriginal pads, fencing and security;
- Site inspection, conducted on 13 September 2021 for review of environmental site controls;
- Review of environmental records on 14 September 2021 – pre-operational requirements;
- Interview of site personnel onsite; and
- Consultation with stakeholders.

2.6 Audit Period

The independent environmental audits carried out by AQUAS on the project cover the site inspections, review of environmental documentation and records for the construction from May 2021 to prior to operation period (October 2021).

It should be noted that this report is based on the result of sampling and supplied documentation/records, as well as site activities on the audit dates 13 to 14 September 2021.

3. Audit Methodology

3.1 Approval of Auditors

A letter from the Planning Secretary agreeing to the independent auditors is attached as **Appendix A**.

3.2 Audit scope development

AQUAS developed the audit scope and a checklist based on the Project Development Consent Requirements Application No. SSD 8662. Refer to **Appendix C** of this report.

3.3 Audit Process

3.3.1 Opening Meeting

An opening meeting was held at 10:00am on the 13 September 2021 with Dicker Data project personnel (Brad Begley) and AQUAS auditors (Annabelle Tungol and Barbara Pater).

Key items were discussed, including:

- Confirmation of the purpose and scope of the audit
- Overview of the Project and status of the works
- Occurrence of Environmental incidents
- Overview of the audit process in accordance with the proposed Audit Program

3.3.2 Conduct of Audit

Audit activities included the following:

- Review the project documentation (EMP and its sub-plans) to verify compliance with the Development Consent Conditions SSD 8662;
- Conduct of a site walk on 13 September 2021 to review implementation of mitigation measures and environmental controls prior to operation;
- Conduct of the audit following the checklist that was prepared based on the Development Consent Conditions, by interviews with project personnel and review of records provided as evidence of compliance on 14 September 2021.

3.3.3 Closing Meeting

The closing meeting was held at 12:00 pm on 14 September 2021 with Dicker Data representative (Brad Begley) and AQUAS (Annabelle Tungol and Barbara Pater). General feedback and the findings of the audit were discussed during the closing meeting.

AQUAS Lead Auditor acknowledged the cooperation, openness, and hospitality of Dicker Data staff during the conduct of this audit and the site inspection conducted.

3.4 Interviewed Personnel

Name and position of persons interviewed:

Name	Organisation	Position
Brad Begley	Dicker Data	Property Manager

3.5 Details of Site Inspection

The site inspection was conducted on 13 September 2021, with AQUAS auditors and Dicker Data representative. There were no issues raised during this inspection. Refer to details of the inspection in Section 5.5 of this report and site photos in **Appendix D**.

3.6 Consultation

Consultation emails were sent on the 7 and 10 of September 2021 in advance of the audit to relevant stakeholders from Department of Planning, Industry and Environment, Sutherland Shire Council, and Coast History to request feedback about the project and highlight any areas for AQUAS to focus on during the audit. Feedback provided was as follows:

Contact	Agency	Comments	Audit Findings
Maria Divis Senior Compliance Officer	DPIE	The Department has no specific areas of concern in relation to the project that need to be included within the scope of the audit. As discussed during the conversation with DPIE, the requirements of the Conditions of Consent and the IAPARs must be satisfied in the submission. It was also requested that appropriate consultation with Local Council and any relevant agencies be undertaken.	The audit determined review of the CoA requirements. Refer to the findings of the audit.
Leanne Mariani Environmental Assessment Officer – Environmental Science Major Development Assessment – Shire Planning	Sutherland Shire Council	No comments received.	Not applicable

Refer to **Appendix E** for consultation records sent.

3.7 Audit Compliance Status Descriptors

The following audit criteria were used for the rating of audit findings.

Status	Description
Compliant	The auditor has collected sufficient verifiable evidence to demonstrate that all elements of the requirement have been complied with within the scope of the audit.
Non-Compliant	The auditor has determined that one or more specific elements of the conditions or requirements have not been complied with within the scope of the audit.
Not Triggered	A requirement has an activation or timing trigger that has not been met at the time when the audit is undertaken, therefore an assessment of compliance is not relevant.

4. Document Review

The following documents were reviewed and/or sighted as part of this audit:

- Construction Certificate No J190026 (CC1- inground) Development Consent Permit SSD 8662 238-258 Captain Cook Drive Kurnell by VIV Lilli & Partners Accredited Building Certifiers dated 12 August 2019.
- Construction Certificate No J190026A (CC2 – structural) Development Consent Permit SSD 8662 238-258 Captain Cook Drive Kurnell by VIV Lilli & Partners Accredited Building Certifiers dated 18 March 2020.
- Construction Environmental Management Plan (CEMP) Rev A 23/09/2019
- Aboriginal Cultural Heritage Management Plan 238 – 258 Captain Cook Drive, Kurnell June 2019
- Biodiversity Development Assessment Report 22 February 2018
- BUSHFIRE PROTECTION ASSESSMENT 08.05.2018
- ENVIRONMENTAL IMPACT STATEMENT May 2018
- ENVIRONMENTAL IMPACT STATEMENT 2 May 2019
- Ground Floor Plan DA100
- Groundwater Management Plan 3 May 2019
- Landscape Drawings 14.02.2018
- OFFICE - OVERALL ELEVATIONS DA504
- PROPOSED SUBD.LOT 1 D.P 1077972, LOT 1 D.P 225973 & LOT 1 D.P 1088703 Drawings
- Roof Plan Drawings
- Site Plans and Staging Plans
- Contingency Acid Sulphate Soil Management Plan August 2018.
- Community Consultation and Complaints Handling Management Plan June 2019
- DPIE approval letters for Community Consultation and Complaints Handling Management Plan
- Pre-clearance survey and seed collection for 238 – 258 Captain Cook Drive, Kurnell June 2019
- Compliance Monitoring and Reporting Program Including Pre-Construction Compliance Report Nov 2019
- DPIE Approval letter for Construction Environmental Management Plan 3/10/2019
- DPIE Approval Letter for the Flood Emergency Response Plan Dated 13/5/2019
- Flood Study Report September 2018
- Flood Study Report July 2018
- LANDSCAPE ARCHITECTURAL DEVELOPMENT APPLICATION Issue: G Date: 30.08.2018
- DICKER DATA CERTIFICATE OF DESIGN – LANDSCAPE SNA Design Certification 191010.docx
- 238-258 CAPTAIN COOK DRIVE, KURNELL NOISE IMPACT ASSESSMENT August 2018
- Remediation Action Plan 30 August 2018
- SECTION J REPORT DICKER DATA PROPOSED OFFICE AND SERVICE AREA February 2018
- Stormwater Management Plan Dicker Data Warehouse and Distribution Centre Prepared for DCI Projects 03.09.18 Revision A
- Application for approval of a controlled activity pursuant to: s.183 Airports Act - Notification of decision under Reg 15A(2) of the Airports (Protection of Airspace) Reg's 1996 , 19/07/2019
- Sydney Water Letter to RTS 23 January 2018
- Response to Sutherland Shire Council comments on Development Referral No. DN18/0016 (SSD8662) regarding contaminated land 16 August 2018
- Notice of Commencement for Construction 238 CCDK.pdf Email sent to DPIE on Friday, 13 December 2019 3:21 PM. Construction date to be on 13 January 2020.
- Email to SSC for the submission of Dilapidation reports were submitted on 19 November 2019. Subject: Dilapidation Report for SSD 8662 238-258 Captain Cook Drive Kurnell
- Letter from Novati dated 29 October 2019 confirmed the following: This letter is to confirm that the following Early Works Demolition was carried out by Novati Constructions

- Levy Receipts
- Work Travel Plan prepared by Ason Group dated 9/10/2019 in consultation with Council and approved by DPIE on 18/11/2019.
- VENM Classification Suitability Report dated 3 October 2019 for the 19034 IA14 Review of Waste Classification from Gordon and Kogarah source sites prepared by ZOIC Environmental Pty Ltd.
- Email from DPIE dated 27 February 2020 for the approval of the Dicker Data Warehouse and Distribution Centre - A27 Details of Chartered Engineer
- B22 Civil Design Certificate & Email to Certifier, Dicker Data Office & Warehouse Development Captain Cook Drive, Kurnell Civil Design Certificate dated 5 March 2020 by TTW
- Weekly Site inspection Reports by Novati
- Plant and equipment maintenance register
- Induction records by Novati.
- 238 – 258 Captain Cook Drive, Kurnell: Biodiversity Management Plan FINAL REPORT Prepared for Dicker Data Ltd 20 June 2019
- Pre-clearance survey and seed collection for 238 – 258 Captain Cook Drive, Kurnell Project no. 29969, 20 June 2019
- Telstra Internet Direct, 7th May 2019 Telstra Reference: 1144548629, Customer: DICKER DATA , LTD, Account Number: 2438765000, Date Received: 7th May 2019
- Development: Lot 2 DP1088703 238-258 CAPTAIN COOK DR, Kurnell Development Description: Construction and operation of a warehouse and distribution centre with associated office, car parking, landscaping, services and site subdivision Council Consent No: SSD 8662 by Minister For Planning of 12 April 2019 Your application date: 8 May 2019
- A12 (a) Consult with Service Owners
- A12 (b & c) RE_ Dilapidation Report for SSD 8662 238-258 Captain Cook Drive Kurnell
- A28 WAE Sample 6206-WAE-C107 SH1
- B11 (a) Parking Facilities on site 6206-WAE-C108 SH2
- B11 (d) No Street Parking Bins & Vehicles construction
- B11 (g) Truck Loads Covered prior to leaving site
- B12 B13 B14 WPTP Approval 18 November 2019
- B18 & C3 (b) Email Confirmation & Erosion & Sediment Control Plan C102 A (003)
- B19 & B20 Flood Emergency Response Plan J1902_R2
- B36 SAR & SAS
- B60 & B61 Waste Management Plan Accepted SSC
- C17, C18 & C19 FW SSD 8662 AQ1259 Site Audit 238 Captain Cook Drive Kurnell - Audit Program.msg
- C19 (c) Letter of Notice Posting Independent Audit
- Compliance Monitoring Report Dicker Data Ltd Ver 0.2 June 2020
- Compliance Monitoring Dicker Data Ltd Report Ver 0.3 December 2020
- SSD-8662-Mod-1 - Modification to amend the design of the building, including changes to the floor plan, ground level, amenities and stormwater management approved on 20 December 2020.
- Interim Occupation Certificate No. E200331/IOC-01 Elite Certification, 30 July 2021
- Advisory Letter from DPIE - Compliance Reporting and Independent Environmental Audit Post Approval Requirements (PAR's) 10 June 2020
- A3 DPIE Email communicating updated compliance monitoring reporting, 11 June 2020
- A6 Notice of Operation letter from Dicker Data to DPIE dated 7 September 2021, including portal lodgement and DPIE acknowledgment
- A6 DPIE Email confirmation regarding Notice of Commencement SSD-8662-PA-29 13 September 2021
- A22 Portal Lodgement 26 May 2020 with DPIE Certifier no comments, 4 June 2020
- B18 (a) DPIE Appointment of Expert letter for Stormwater Management System design by TTW, 25 May 2020

- A24 NOTICE OF REQUIREMENTS for SECTION 73 SUBDIVIDER/DEVELOPER COMPLIANCE CERTIFICATE 178281 (Sydney Water Act 1994, Part 6, Division 9) Developer: DICKER DATA Applicant reference: W-10987, final authorisation dated 15 June 2020
- B18 (a) Dicker Data Proposal of expert for Stormwater Management System design by TTW via DPIE portal, 20 May 2020
- B18 (b) Stormwater Management System lodged with Sutherland Shire Council, 2 & 17 April 2020
- B18 (c) Drawings for the removal of Western Stormwater Discharge Point C105 Rev. 0 & C111 Rev. D, 9 March 2020
- B3, B6, B9 Email from Sutherland Shire Council for Road Frontage Works Certification, 5 February 2021, including original email sent to Council on 30 October 2019 for 238 - 258 Captain Cook Drive Kurnell, SSD 8662 Acceleration Lane.
- B4 Email from Traffic NSW confirming speed limit approval, 1 December 2020
- B7, B8 TfNSW email with confirmation of Road Safety Audit including advisory comments with attachment of Road Safety Audit RSA 19269-r01v03-191021
- C5, C6 & C7 Operational Enviro Management Plan (V3) FINAL 19074RP04 Approval by DPIE, 3 February 2021
- C18, C19 DPIE Letter dated 15 September 2021 acknowledgement of Independent Environmental Audit for the period of 2/09/2020 to 1/03/2021
- Long Term Environmental Management Plan (LTEMP) 19074RP02 Version 3, 12 October 2020
- B38 DPIE letter dated 5 November 2020, confirmation of LTEMP Version 3, 12 October 2020
- Biodiversity Management Plan Version 1, 20 June 2019

5. Audit Findings

This audit was completed to assess the implementation of EMP, and environmental controls established by the proponent against the requirements of Development Consent SSD 8662. The audit confirmed that the proponent has implemented its Environmental Management Plan and mitigation measures to a satisfactory level.

The following table summarises the audit findings by rating category:

Findings Rating	Findings
Compliant	125
Non-Compliant	4
Not Triggered	16
Total Requirements	145

5.1 Assessment of Compliance

The audit determined that the proponent has generally implemented the controls for environmental management within the construction activities that are currently being undertaken. The comparison of audit requirements against the compliance ratings is as follows:

SSD Requirements	Requirements	Findings
Part A – PART A ADMINISTRATIVE CONDITIONS Including Advisory Note AN1.	31	Compliant – 25
		Non-Compliant – 1
		Not Triggered – 5
Part B – SPECIFIC ENVIRONMENTAL CONDITIONS	68	Compliant – 63
		Non-Compliant – 3
		Not Triggered – 2
Part C – ENVIRONMENTAL MANAGEMENT, REPORTING AND AUDITING	21	Compliant – 19
		Non-Compliant – 0
		Not Triggered – 2
Appendix 3 – APPLICANT’S MANAGEMENT AND MITIGATION MEASURES	21	Compliant – 18
		Non-Compliant – 0
		Not Triggered – 3
Appendix 4 – INCIDENT NOTIFICATION AND REPORTING REQUIREMENTS	4	Compliant – 0
		Non-Compliant – 0
		Not Triggered – 4

5.2 Notices, Incidents and Complaints

There have been no agency notices, orders, penalty notices or prosecutions issued, and no reportable environmental incidents have occurred to date.

No complaints had been reported to date.

An advisory letter from DPIE was received on 10 June 2020 for the adaptation of the revised 2020 Compliance Reporting and Independent Audit Post Approval Requirements which was accepted by Dcker Data on 2 September 2021. This audit report captures these requirements.

5.3 Development Past Performance

Based on the results of this audit, Dicker Data has maintained their good performance in implementation of environmental mitigation measures as per the CEMP. Dicker Data has also developed the required operational management plans as per the condition of consent requirements except for the operational management plans as per conditions B8A, B18A and B30A, which were raised as non-compliances during this audit.

5.4 Review of Previous Audit Findings

There were no non-compliances or opportunities for improvement raised during the previous audit and as noted in the previous audit report, which covered a site inspection on the 2 September 2020, the 18 January 2021 site inspection and review of records for pre-operational requirements on the 1 March 2021. The environmental mitigation measures were implemented, and documentation requirements were developed and submitted in accordance with the SSD's conditions.

5.5 Audit Site Inspection

A site walk around the construction site was conducted on 13 September 2021 to review the effectiveness of mitigation measures. The following environmental controls were found to be in place and in good working condition. Environmental controls have been implemented as per the LTEMP such as:

- Permanent drainage and swales were constructed as per designed;
- Retaining of existing trees and planting new trees as per the landscape design;
- Permanent fencing was installed around the site;
- Electric car chargers were installed at the car park;
- Solar panels were installed;
- Car parks were constructed as per designed and as per the condition requirements;
- Bus stops and traffic signages were constructed and installed as per TfNSW and Sutherland Shire Council requirements;
- Remediation Action Plan was implemented with the Site Audit Report and Site Audit Statement submitted to DPIE with the Long Term Environmental Management Plan;
- Wastes storage and collection location for the warehouse was accepted by Sutherland Shire Council;
- Office waste segregation will be implemented by installing separate labelled bins on all kitchen areas of the warehouse;
- Recreation area was also constructed; and
- The aboriginal area at the site was preserved.

Refer to photos of the site inspection in **Appendix D**.

5.6 Suitability of Plans and the EMS

The EMP and sub-plans were generally compliant with the requirements of the Development Consent Conditions 8662-Mod-1.

Dicker Data Environmental Management System (EMS) is robust on communication processes, documentation and record keeping, induction, training and competence, environmental controls, and non-conformance/corrective action processes.

The Operational Environmental Management Plan and Long Term Environmental Management Plan were also developed and submitted to DPIE prior to the warehouse operation.

5.7 Actual and Predicted Impacts

There are no significant changes or additional impacts noted on the actual construction works. The predicted impacts as stated in the Environmental Impact Statement (EIS) remain the same.

5.8 Key Strengths

Overall, the project is generally compliant with the conditions of Development Consent SSD 8662-Mod-1 with the following key strengths noted:

- Internal and external communication mechanisms have been established;
- No complaints and environmental incidents reported to date;
- Consultation with relevant stakeholders and sensitive receivers have been conducted;
- Good document and records control;
- Mitigation measures as per the EMP during the construction phase were implemented, there were no issues raised during the inspection conducted by the auditor on 13 September 2021;
- Permanent environmental controls have been constructed as per the Development Plans and Landscape Design;
- Long Term Environmental Management Plan was developed, reviewed by Site Auditor, and submitted to DPIE;
- Operational Environment Management Plan was developed, submitted to, and was approved by DPIE on 3 February 2021; and
- An Interim Occupation Certificate was issued by the Certifying Authority on the 30 July 2021.

6. Summary of Audit Findings and Recommendations

Based on the conducted independent environmental audit which comprised of document and records review, interview with key personnel and site inspections there were a total 145 Conditions of Consent that have been reviewed during this audit.

There were four non-compliances raised during the covered audit. The following table summarises the non-compliances identified during the audit. Refer to the attached **Appendix D** for full details of findings including notes.

Finding No.	Condition of Consent ID and Requirement	Audit Findings and Recommendation	Dicker Data Response
Non-Compliant 01	<p><u>A2 Terms of Consent</u></p> <p>The development may only be carried out: (d) in accordance with the Modification Assessments;</p>	<p>Based on the non-compliances raised at Conditions B8A, B18A and B30A as per Modification 1 of Condition of Consent dated 20 December 2020, this will also be non-compliant.</p> <p>Recommendation: Addressing the non-compliances against B8A, B18A and B30A will automatically address this non-compliance.</p>	<p>Dicker Data Acknowledges that Non-Compliant 01 (NC01) is a result of Non-Compliant 02 to 04 (NC02-4) regarding consent condition A2(d). Compliance of NC01 is resolved by compliance of NC02-4.</p>
Non-Compliant 02	<p><u>B8A Road Safety Audit</u></p> <p>Within three months of approval of SSD-8662-Mod-1, the Applicant must update the Road Safety Audit required under condition B7, to the satisfaction of the Planning Secretary and in consultation with TfNSW. The Road Safety Audit must identify the potential road safety issues and opportunities for improvements to the site access and road upgrades described in SSD-8662-Mod-1</p>	<p>The Road Safety Audit has not been updated, to the satisfaction of DPIE, within the three-month timeframe.</p> <p>Recommendation: The Road Safety Audit to be reviewed and updated as required by the expert to ensure compliance with the SSD-8662-Mod-1.</p>	<p>Dicker Data Acknowledges that Non-Compliant 02 (NC02) has not been actioned within the timeframe specified.</p> <p>The Road Safety Audit will be reviewed and updated as required by the expert to ensure compliance with the SSD-8662-Mod-1.</p>
Non-Compliant 03	<p><u>B18A Stormwater Management System</u></p> <p>Within six months of approval of SSD-8662-Mod-1, the Applicant must prepare a Stormwater Monitoring Program, to the satisfaction of the Planning Secretary. The Program must:</p> <p>(a) be undertaken by a suitably qualified expert;</p> <p>(b) be undertaken in consultation with the EESG and NPWS;</p> <p>(c) describes the measures undertaken to monitor storm events greater than the 1% Annual Exceedance Probability events in the western vegetation zone and Towra Point Nature Reserve Ramsar Site (TPNRRS);</p> <p>(d) outline the contingency plan if the monitoring indicates any of the impact assessment criteria or performance criteria has been exceeded;</p> <p>(e) incorporate a program for ongoing monitoring and review; and</p> <p>(f) mechanisms to report results to relevant agencies</p>	<p>The Stormwater Monitoring Program has not been developed, to the satisfaction of DPIE, within the six-month timeframe.</p> <p>Recommendation: The Stormwater Monitoring Program to be developed to the satisfaction of DPIE, in compliance with the SSD-8662-Mod-1 B18A.</p>	<p>Dicker Data Acknowledges that Non-Compliant 03 (NC03) has not been actioned within the timeframe specified.</p> <p>The Stormwater Monitoring Program will be developed to the satisfaction of DPIE, in compliance with the SSD-8662-Mod-1 B18A.</p>

Finding No.	Condition of Consent ID and Requirement	Audit Findings and Recommendation	Dicker Data Response
Non-Compliant 04	<p><u>B30A Biodiversity Management Plan</u></p> <p>(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.</p>	<p>The Biodiversity Management Plan has not been updated as per the requirements of this condition B30A, to the satisfaction of DPIE, within the six-month timeframe.</p> <p>Recommendation: The Biodiversity Management Plan to be reviewed by the Ecologist and be updated as required to the satisfaction of DPIE, in compliance with the SSD-8662-Mod-1 B30A. Or a confirmation letter from the Ecologist who prepared the plan that there was no additional trees/vegetation clearing conducted as part of the SSD Modification 1 scope of works that will trigger the amendment of the BMP.</p>	<p>Dicker Data Acknowledges that Non-Compliant 04 (NC04) has not been actioned within the timeframe specified.</p> <p>The Biodiversity Management Plan will be reviewed by the Ecologist and be updated as required to the satisfaction of DPIE, in compliance with the SSD-8662-Mod-1 B30A.</p>

The following are also noted for Dicker Data to be implemented to maintain its operational compliance to the SSD conditions and IAPAR 2020:

Operational Requirements

- An audit to be conducted within 26 weeks of the commencement of operation and at intervals, no greater than 3 years or as otherwise agreed by the Secretary; and
- Operational Compliance Report required for the duration of operation at intervals, no greater than 52 weeks from the date of commencement of operation.

Appendix A. Auditors Approval



Planning,
Industry &
Environment

Dicker Data Limited
Property Manager
230-236 CAPTAIN COOK DRIVE
KURNELL NSW 2231

By email: brad.begley@dickerdata.com.au

8 September 2021

Attention: Brad Begley

**Dicker Data Warehouse and Distribution Centre (SSD-8662)
Independent Auditor**

I refer to your request (SSD-8662-PA-28) for the Secretary's approval of suitably qualified persons to prepare the Independent Audit for the Dicker Data Warehouse and Distribution Centre (SSD-8662).

The Department has reviewed the nominations and information you have provided and is satisfied that the nominated expert is suitably qualified and experienced. Consequently, I can advise that the Secretary approves the appointment of Annabelle Tungol to prepare the Independent Audit.

In accordance with Condition C18 of SSD-8662 (the 'Consent') and the Independent Audit Post Approval Requirements, the Secretary has agreed to:

- Annabelle Tungol from AQUAS Pty Ltd as lead auditor.

Please ensure this correspondence is appended to the Independent Audit Report.

The Independent Audit must be prepared, undertaken and finalised in accordance with the Independent Audit Post Approval Requirements. Failure to meet these requirements will require revision and resubmission.

The Department reserves the right to request an alternate auditor or audit team for future audits.

Notwithstanding the agreement for the above listed auditor for this Project, each respective project approval or consent requires a request for the agreement to the auditor or audit team be submitted to the Department, for consideration of the Secretary. Each request is reviewed and depending on the complexity of future projects, the suitability of a proposed auditor or audit team will be considered.

If you wish to discuss the matter further, please contact Maria Divis on 02 8275 1156.

Yours sincerely

A handwritten signature in black ink, appearing to read "J Pope", is centered within the main content area.

Julia Pope
Team Leader Compliance - Metro
Compliance

As nominee of the Planning Secretary

Appendix B. Independent Audit Declaration Form

Independent Audit Declaration Form

Project Name:	Warehouse Development
Consent Number:	SSD 8662-Modification 1
Description of Project:	Construction and operation of a warehouse and distribution centre
Project Address:	238 – 253 Captain Cook Drive, Kurnell
Proponent:	Dicker Data Ltd
Title of Audit:	Independent Environmental Audit
Date:	13 September 2021

I declare that:

- i. I am not related to any proponent, owner, operator or other entity involved in the delivery of the project. Such a relationship includes that of employer/employee, a business partnership, sharing a common employer, a contractual arrangement outside an Independent Audit, or that of a spouse, partner, sibling, parent, or child;
- ii. I do not have any pecuniary interest in the project, proponent or related entities. Such an interest includes where there is a reasonable likelihood or expectation of financial gain (other than being reimbursed for performing the audit) or loss to the auditor, or their spouse, partner, sibling, parent, or child;
- iii. I have not provided services (not including independent reviews or auditing) to the project with the result that the audit work performed by themselves or their company, except as otherwise declared to the Department prior to the audit;
- iv. I am not an Environmental Representative for the project; and
- v. I will not accept any inducement, commission, gift or any other benefit from auditee organisations, their employees or any interested party, or knowingly allow colleagues to do so.

Notes:

- a) Under section 10.6 of the Environmental Planning and Assessment Act 1979 a person must not include false or misleading information (or provide information for inclusion in) in a report of monitoring data or an audit report produced to the Minister in connection with an audit if the person knows that the information is false or misleading in a material respect. The proponent of an approved project must not fail to include information in (or provide information for inclusion in) a report of monitoring data or an audit report produced to the Minister in connection with an audit if the person knows that the information is materially relevant to the monitoring or audit. The maximum penalty is, in the case of a corporation, \$1 million and for an individual, \$250,000; and
- b) The Crimes Act 1900 contains other offences relating to false and misleading information: section 307B (giving false or misleading information – maximum penalty 2 years imprisonment or 200 penalty units, or both)

Name of Auditor: Annabelle Tungol

Signature:



Qualification: Lead Environmental Auditor (Exemplar Global No. 119536)

Company: AQUAS Pty Ltd

Company Address: Level 7, 116 Miller Street, North Sydney NSW 2060

Appendix C. Audit Checklist and Audit Findings

SSD Part No.	SSD Req. No.	SSD-8662-Mod-1 Requirement	Audit Evidence	Audit Findings / Recommendations	Compliance Rating
SCHEDULE 3: PART A - ADMINISTRATIVE CONDITIONS					
A	A1	Obligation to Minimise Harm to the Environment 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.	<p>The environmental mitigation measures were generally implemented.</p> <p>Construction works were completed during this audit, and permanent environmental mitigation measures were installed i.e., landscaping, stormwater management, cycle way, bus stop, sustainability requirements (solar panels and electric car charger bays, rainwater tanks, preservation of aboriginal pad area, wastes storage, permanent fencing and parking areas for truck deliveries and employees.</p> <p>Interim Certificate also provided – ref E200331/IOC-01.</p>		Compliant
A	A2	Terms Of Consent The development may only be carried out:			
A	A2 (a)	in compliance with the conditions of this consent;	The development is generally compliant in accordance with the conditions of consent. Refer to the compliances noted on the following conditions.		Compliant
A	A2 (b)	in accordance with all written directions of the Planning Secretary;	Sighted 10 June 2020 Advisory Letter from DPIE noting the adoption of the PAR 2020 guidelines.		Compliant
A	A2 (c)	generally in accordance with the EIS and Response to Submissions (RTS);	The development is compliant in accordance with the EIS and RTS. Refer to the compliances noted on the following conditions.		Compliant
A	A2 (d)	in accordance with the Modification Assessments	No new modifications since December 2020 Mod-1. Based on the non-compliances raised at Conditions B8A, B18A and B30A, as per Modification 1 of Condition of Consent dated 20 December 2020, this will also be non-compliant.	NC-01: Based on the non-compliant against A2 (d), this condition is therefore non-compliant. Recommendation: Addressing the non-compliances against B8A, B18A and B30A will automatically address this non-compliance.	Non-Compliant

Audit Compliance Codes: C: Compliant NC: No-Compliant; NT: Not triggered

SSD Part No.	SSD Req. No.	SSD-8662-Mod-1 Requirement	Audit Evidence	Audit Findings / Recommendations	Compliance Rating
A	A2 (e)	in accordance with the Development Layout Plans in Appendix 1; and	Project is being constructed as per the submitted Development Layout Plans in Appendix 1.		Compliant
A	A2 (f)	in accordance with the management and mitigation measures in Appendix 3.	Construction works were completed during this audit, and permanent environmental mitigation measures were installed i.e., landscaping, stormwater management, cycle way, bus stop, sustainability requirements (solar panels and electric car charger bays, rain water tanks, preservation of aboriginal pad area, wastes storage, permanent fencing and parking areas for truck deliveries and employees.		Compliant
A	A3	Consistent with the requirements in this consent, the Planning Secretary may make written directions to the Applicant in relation to:	Sighted 10 June 2020 Advisory Letter from DPIE noting the adoption of the PAR 2020 guidelines.		Compliant
A	A3 (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			
A	A3 (b)	the implementation of any actions or measures contained in any such document referred to in condition A3(a).			
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.	It is noted that no inconsistency, ambiguity, or conflict has occurred.		Compliant

Audit Compliance Codes: C: Compliant NC: No-Compliant; NT: Not triggered

SSD Part No.	SSD Req. No.	SSD-8662-Mod-1 Requirement	Audit Evidence	Audit Findings / Recommendations	Compliance Rating
A	A5	<p>Limits of Consent Lapsing 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.</p>	<p>The first operation commencement date was notified to DPIE the last week of January 2021.</p> <p>Updated operation commencement date as notified to DPIE advised as early October 2021 – sighted letter dated 7 September 2021 and submitted to DPIE portal. Email also sighted from DPIE dated 13 September 2021 confirming receipt of Notification of Commencement.</p>		Compliant
A	A6	<p>NOTIFICATION OF COMMENCEMENT 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:</p>	<p>Notice of Commencement for Construction 238 CCDK.pdf. Email sent to DPIE on Friday, 13 December 2019 3:21 PM. Construction date 13 January 2020.</p>		Compliant
A	A6 (a)	construction;			
A	A6 (b)	operation; and	<p>Dicker Data lodged the Notice of Operation in DPIE portal on 7/09/2021 that the operation will commence early October 2021 via DPIE portal.</p> <p>Email sighted from DPIE dated 13 September 2021 confirming receipt of Notification of Commencement.</p>		Compliant
A	A6 (c)	cessation of operations.	Not triggered		Not Triggered
A	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.	Not triggered. No staging of construction and operation.		Not Triggered
A	A8	<p>Evidence of Consultation Where conditions of this consent require consultation with an identified party, the Applicant must:</p>	Evidence of consultation were provided in each management plans and records of consultation were presented as evidence. Refer to below management plan requiring consultations.		Compliant

Audit Compliance Codes: C: Compliant NC: No-Compliant; NT: Not triggered

SSD Part No.	SSD Req. No.	SSD-8662-Mod-1 Requirement	Audit Evidence	Audit Findings / Recommendations	Compliance Rating
A	A8 (a)	consult with the relevant party prior to submitting the subject document for information or approval; and	<p>The following records for consultation with stakeholders were presented as evidence:</p> <ul style="list-style-type: none"> - Consultation with Jemena - Potential clash-Captain Cook Drive, KURNELL - cross section final email with conditions dated 16 October 2020 - Dilapidation Reports submitted to Sutherland Shire Council and acknowledgment from council email dated 20 November 2020 - Sutherland Shire Council's DCP Chapter 38 Stormwater and Groundwater Management as certified by Taylor Thomson Whitting (NSW) Pty Ltd under the Civil Design Certificate - Approval for Dicker Data to install speed limit signage on Captain Cook Drive, - Kurnell from TfNSW RMS email dated 1/12/2020 - Sutherland Shire Council's acceptance for SSD 8662 Consent Conditions B60 & B61 Waste Storage for 238-258 Captain Cook Drive Kurnell dated 18 September 2020 		
A	A8 (b)	provide details of the consultation undertaken including:			
A	A8 (b) (i)	the outcome of that consultation, matters resolved and unresolved; and			
A	A8 (b) (ii)	details of any disagreement remaining between the party consulted and the Applicant and how the Applicant has addressed the matters not resolved.			
A	A9	<p>Staging, Combining and Updating Strategies, Plans and Programs</p> <p>With the approval of the Planning Secretary, the Applicant may:</p>	Not triggered. Construction was not staged.		Not Triggered
A	A9 (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);			

Audit Compliance Codes: C: Compliant NC: No-Compliant; NT: Not triggered

SSD Part No.	SSD Req. No.	SSD-8662-Mod-1 Requirement	Audit Evidence	Audit Findings / Recommendations	Compliance Rating
A	A9 (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			
A	A9 (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).			
A	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.	Not triggered		Not Triggered
A	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.	Not triggered		Not Triggered
A	A12	PROTECTION OF PUBLIC INFRASTRUCTURE Before the commencement of construction, the Applicant must:	Consultation records with the Council were presented. Email to SSC for the submission of Dilapidation reports were submitted on 19 November 2019. Subject: Dilapidation Report for SSD 8662 238-258 Captain Cook Drive Kurnell,		Compliant
A	A12 (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;	Consultation records with Jemena (Ref: email from Jemena dated 16 October 2020 -Potential Clash-Captain Cook Drive Kurnell – Cross section) - email with conditions dated 16 October 2020		
A	A12 (b)	prepare a dilapidation report identifying the condition of all public infrastructure in the			

Audit Compliance Codes: C: Compliant NC: No-Compliant; NT: Not triggered

SSD Part No.	SSD Req. No.	SSD-8662-Mod-1 Requirement	Audit Evidence	Audit Findings / Recommendations	Compliance Rating
		vicinity of the site (including roads, gutters and footpaths); and	Final Dilapidation Reports were submitted to Sutherland Shire Council and acknowledgment from council email dated 20 November 2020.		
A	A12 (c)	submit a copy of the dilapidation report to the Planning Secretary and Council.			
A	A13	Unless the Applicant and the applicable authority agree otherwise, the Applicant must:	Not triggered, no public infrastructure has been damaged to date.		Not Triggered
A	A13 (a)	repair, or pay the full costs associated with repairing, any public infrastructure that is damaged by carrying out the development; and			
A	A13 (b)	relocate, or pay the full costs associated with relocating, any public infrastructure that needs to be relocated as a result of the development.			
A	A14	DEMOLITION All demolition must be carried out in accordance with <i>Australian Standard AS 2601-2001 The Demolition of Structures</i> (Standards Australia, 2001).	Letter from Novati dated 29 October 2019 confirmed the following: This letter is to confirm that the following Early Works Demolition was carried out by Novati Constructions: · Crushing of existing concrete slabs with all materials remaining onsite · Clearing of vegetation All demolition works were undertaken in accordance with the following regulatory approval, requirements and documentation: · Development Consent SSD 8662 · AS 2601-2001 The Demolition of Structures · Biosis – Biodiversity Management Plan - 15/05/2019 · Arboreport – Arboricultural Impact Assessment – 04/04/18 · Architectural Drawings · Civil Drawings		Compliant

Audit Compliance Codes: C: Compliant NC: No-Compliant; NT: Not triggered

SSD Part No.	SSD Req. No.	SSD-8662-Mod-1 Requirement	Audit Evidence	Audit Findings / Recommendations	Compliance Rating
A	A15	<p>STRUCTURAL ADEQUACY 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.</p> <p><i>Note:</i></p> <ul style="list-style-type: none"> • 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. 	<p>Construction Certificate No J190026 (CC1) Development Consent Permit SSD 8662 238-258 Captain Cook Drive Kurnell by VIV Lilli & Partners Accredited Building Certifiers dated 12 August 2019.</p>		Compliant
A	A16	<p>COMPLIANCE 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.</p>	<p>Construction has been completed during this audit and Dicker Data noted that all sub-contractors will comply with their LTEMP.</p>		Compliant
A	A17	<p>CONTRIBUTIONS TO COUNCIL 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.</p>	<p>Levy receipts were provided as evidence:</p> <ul style="list-style-type: none"> - Receipt Number 00381987 dated 27/5/2019 amount of \$47,633 - Receipt Number: 00398709 dated 3/9/2019 amount of \$47,633 		Compliant

Audit Compliance Codes: C: Compliant NC: No-Compliant; NT: Not triggered

SSD Part No.	SSD Req. No.	SSD-8662-Mod-1 Requirement	Audit Evidence	Audit Findings / Recommendations	Compliance Rating
A	A18	SUBDIVISION 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.	PLAN OF PROPOSED SUBDIVISION OF LOT 1 IN D.P. 1077972, LOT 1 D.P. 225973, AND LOT 2 IN D.P. 1088703 CAPTAIN COOK DRIVE, KURNELL prepared by Master Surveying.		Compliant
A	A19	OPERATION OF PLANT AND EQUIPMENT All plant and equipment used on site, or to monitor the performance of the development must be:	All Plant and Equipment during operation will be managed under the LTEMP.		Compliant
A	A19 (a)	maintained in a proper and efficient condition; and			
A	A19 (b)	operated in a proper and efficient manner.			
A	A20	EXTERNAL WALLS AND CLADDING The external walls of all buildings including additions to existing buildings must comply with the relevant requirements of the BCA.	Construction Certificate No J190026A (CC2) Development Consent Permit SSD 8662 238-258 Captain Cook Drive Kurnell by VIV Lilli & Partners Accredited Building Certifiers dated 18 March 2020.		Compliant
A	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.	Submitted to Certifying Authority as part of the Construction Certificate (CC2) approval. Sighted Interim Occupation Certificate No. E20031/IOC-01 dated 30 July 2021 from Elite Certification. Includes Installation Certificate for Fire Seals, Lightweight Construction (Fire Rated) & External Cladding – Epic Interiors Commercial Pty Ltd dated 29 March 2021; Investigation Report # 8520/1 Analysis of ACP Cladding Sample – ExcelPlas Test Report dated 12 March 2020; AS 5113 Full Façade Test Comparisons; Mitsubishi ALPOLIC NC AS 1530.1 NATA Test Report No. RFT10153 – Warringtonfire dated 7 February 2019; Mitsubishi ALPOLIC NC AS 1530.3 NATA Test Report No. FNE12526A – CSIRO dated 9 January 2020.		Compliant

Audit Compliance Codes: C: Compliant NC: No-Compliant; NT: Not triggered

SSD Part No.	SSD Req. No.	SSD-8662-Mod-1 Requirement	Audit Evidence	Audit Findings / Recommendations	Compliance Rating
A	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.	<p>Accepted by CA on 22 May 2020. Interim Occupation Certificate for SSD 8662 was issued on 30 July 2021 by Elite Certification with the exclusion of the building works associated with Modification Application SSD 8662- Mod -1 22 Dec 2020.</p> <p>Email of submission and receipt from DPIE was presented as evidence 4 June 2020. Sighted submission to DPIE portal dated 26 May 2020 with no comments from DPIE received 15 July 2020.</p>		Compliant
A	A23	<p>UTILITIES AND SERVICES</p> <p>Before the construction of any utility works associated with the development, the Applicant must obtain relevant approvals from service providers.</p>	<p>Communications and letter from Telstra and Sydney Water were presented as evidence.</p> <p>A24 178281-NOR Sydney Water (Case Number: 178281, 5 June 2019, DICKER DATA)</p> <p>A25 & A26 Telstra-Service-Avaiability-DD-1144548629 (Attention: Brad Begley, Telstra Reference: 1144548629, Customer: DICKER DATA LTD, Account Number: 2438765000, Date Received: 7th May 2019)</p>		Compliant

SSD Part No.	SSD Req. No.	SSD-8662-Mod-1 Requirement	Audit Evidence	Audit Findings / Recommendations	Compliance Rating
A	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 <i>Sydney Water Act 1994</i> .	<p>Section 73 of Sydney Water application was submitted, and Sydney Water responded with the letter of conditions.</p> <p>NOTICE OF REQUIREMENTS For SECTION 73 SUBDIVIDER/DEVELOPER COMPLIANCE CERTIFICATE (Sydney Water Act 1994, Part 6, Division 9) Developer: DICKER DATA; Your reference: W-10987 Development: Lot 2 DP1088703 238-258 CAPTAIN COOK DR, Kurnell Development Description: Construction and operation of a warehouse and distribution centre with associated office, carparking, landscaping, services and site subdivision Council Consent No: SSD 8662 by Minister For Planning of 12 April 2019. Your application date: 8 May 2019</p> <p>A24 178281-NOR Sydney Water</p> <p>Certificate from Sydney Water for Case 178281 sighted, Applicant Reference No. W-10987, signed by two authorised Sydney Water Officers with approval date one: 12 April 2019 and approval date two: 15 June 2020.</p>		Compliant
A	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:	<p>Letter from Telstra Telstra-Service-Availability-DD-1144548629 (Attention: Brad Begley, Telstra Reference: 1144548629, Customer: DICKER DATA LTD, Account Number: 2438765000, Date Received: 7th May 2019)</p>		Compliant
A	A25 (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			

Audit Compliance Codes: C: Compliant NC: No-Compliant; NT: Not triggered

SSD Part No.	SSD Req. No.	SSD-8662-Mod-1 Requirement	Audit Evidence	Audit Findings / Recommendations	Compliance Rating
A	A25 (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.			
A	A26	The Applicant must demonstrate that the carrier has confirmed in writing they are satisfied that the fibre ready facilities are fit for purpose.	Letter from Telstra Telstra-Service-Avaiability-DD-1144548629 (Attention: Brad Begley, Telstra Reference: 1144548629, Customer: DICKER DATA LTD, Account Number: 2438765000, Date Received: 7th May 2019)		Compliant
A	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.	Dicker Data Warehouse and Distribution Centre - A27 Details of Chartered Engineer This email is to acknowledge DPIE receipt of the A27 Details of Chartered Engineer for the Dicker Data Warehouse and Distribution Centre approved by DPIE on 27 February 2020.		Compliant
A	A28	WORKS AS EXECUTED PLANS 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.	Work as executed drawings were submitted to Certifying Authority for review and for the issue of final Occupation Certificate. Drawings signed by Register Surveyor (Anthony Bennett) dated 9 December 2020 Siteworks Plan Sheet 1. Interim Occupation Certificate for SSD 8662 was issued on 30 July 2021 by Elite Certification with the exclusion of the building works associated with Modification Application SSD 8662- Mod -1 22 Dec 2020. Sighted WAE Sample drawing 6206-WAE-C107 SH1.		Compliant
A	A29	APPLICABILITY OF GUIDELINES 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.	The guidelines, protocols and Australian Standards were noted in the Construction Certificates and complied and certified by designers and Certifying Authority as well as in the Interim Occupational Certificate.		Compliant

Audit Compliance Codes: C: Compliant NC: No-Compliant; NT: Not triggered

SSD Part No.	SSD Req. No.	SSD-8662-Mod-1 Requirement	Audit Evidence	Audit Findings / Recommendations	Compliance Rating
A	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.	10 June 2020 Advisory Letter to adopt PAR 2020. Dicker Data responded to this request with a letter dated 2 September 2021. However, the previous audits conducted which was reported on 21 May 2021 had implemented the new guidelines.		Compliant
A	AN1	Advisory Notes 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.	All licences, permits, approvals and consents as required by law must be obtained and maintained as required for the development. e.g. evidence TfNSW RMS approval on install speed limit signage, Jemena requirements, Sutherland Shire Council requirements, all DPIE approvals as noted within the following conditions.		Compliant
PART B - PRIOR TO COMMENCEMENT OF CONSTRUCTION					
B	B1	TRAFFIC AND ACCESS Construction Traffic Management Plan 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:	Construction Traffic Management Plan has been prepared by a suitably qualified and experienced Traffic Engineer of Ason Group with the relevant accreditation and qualifications. Sighted attachments included: CV Alan Tan.pdf; Ason Group Capability Statement Local Government.pdf		Compliant
B	B1 (a)	be prepared by a suitably qualified and experienced person(s);			
B	B1 (b)	be prepared in consultation with Council and TFNSW;	Appendix D: Consultation with Council and TFNSW		Compliant
B	B1 (c)	detail the measures that are to be implemented to ensure road safety and network efficiency during construction;	Section 2 discusses the measures which are to be implemented to ensure road safety and network efficiency during construction.		

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SSD Part No.	SSD Req. No.	SSD-8662-Mod-1 Requirement	Audit Evidence	Audit Findings / Recommendations	Compliance Rating
B	B1 (d)	detail measures that are to be implemented to protect the vegetation of the Towra Point Nature Reserve during roadworks;	From a traffic perspective, TCP 195 has been implemented to dedicate the works area maintaining through trafficable lanes and not extending in the southern direction past the Site boundary. This area represents the boundaries within which work can be undertaken and is defined to specifically exclude any impacts on the vegetation within the Towra Point Nature Reserve.		Compliant
B	B1 (e)	detail heavy vehicle routes, access and parking arrangements;	The access arrangements for light and heavy construction vehicles, and emergency vehicles, heavy vehicle routes and parking arrangements are detailed in Section 2.4 and 3.3, respectively.		
B	B1 (f)	include a Driver Code of Conduct to:	A Driver Code of Conduct is provided in Appendix A.		Compliant
B	B1 (f) (i)	minimise the impacts of earthworks and construction on the local and regional road network;			
B	B1 (f) (ii)	minimise conflicts with other road users;			Compliant
B	B1 (f) (iii)	minimise road traffic noise;			
B	B1 (f) (iv)	ensure truck drivers use specified routes;			
B	B1 (g)	include a program to monitor the effectiveness of these measures; and	Section 5 outlines the details of a program which would monitor the effectiveness of the proposed measures detailed in this CTMP.		Compliant
B	B1 (h)	if necessary, detail procedures for notifying residents and the community (including local schools), of any potential disruptions to routes.	Due to the location of the Site, no residents or community members (including schools) will be affected or disrupted by construction traffic works. Notification procedures are therefore not required.		Compliant
B	B2	The Applicant must:			Compliant

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SSD Part No.	SSD Req. No.	SSD-8662-Mod-1 Requirement	Audit Evidence	Audit Findings / Recommendations	Compliance Rating
B	B2 (a)	not commence construction until the CTMP required by condition B1 is approved by the Planning Secretary; and	DPIE approval letter dated 3/10/2019.		
B	B2 (b)	implement the most recent version of the CTMP approved by the Planning Secretary for the duration of the construction.	Implemented on site. No reported traffic incident.		
B	B3	Roadworks and Access 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.	Design and drawings to submitted to Council. Email sent to Council on 30 October 2019 for 238 - 258 Captain Cook Drive Kurnell, SSD 8662 Acceleration Lane in compliance with consent conditions B3 to B9. Email from Sutherland Shire Council dated 5 February 2021 confirming receipt of the Road Frontage Works Certification and WAE drawings submitted by Dicker Data on the 29 January 2021.		Compliant
B	B4	The Applicant must obtain written authorisation from TfNSW for any changes to the speed limits along Captain Cook Drive and any associated relocation of speed limit signs.	Design and drawings were submitted to Council. Email sent to Council on 30 October 2019 for 238 - 258 Captain Cook Drive Kurnell, SSD 8662 Acceleration Lane in compliance with consent conditions B3 to B9. Approval for Dicker Data to install speed limit signage on Captain Cook Drive, Kurnell was granted by TfNSW on 8 October 2020 with the signed Network and Safety Installation of Signs and Markings Authority Form. Acceleration lane, traffic signs and markings were constructed with photos included as per previous site inspection. Email confirmation from TfNSW dated 1 December 2020 states internal approval of speed limit change and approval of sign installation.		Compliant

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SSD Part No.	SSD Req. No.	SSD-8662-Mod-1 Requirement	Audit Evidence	Audit Findings / Recommendations	Compliance Rating
B	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.	Design and drawings submitted to Council and TfNSW. Email sent to Council on 30 October 2019 for 238 - 258 Captain Cook Drive Kurnell, SSD 8662 Acceleration Lane in compliance with consent conditions B3 to B9.		Compliant
B	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.	<p>Design and drawings submitted to Council. Email sent to Council on 30 October 2019 for 238 - 258 Captain Cook Drive Kurnell, SSD 8662 Acceleration Lane in compliance with consent conditions B3 to B9.</p> <p>Email from civil design engineer for design and drawings of cycle way to Council for review was sent on 10 March 2020.</p> <p>As per B3, email from Sutherland Shire Council dated 5 February 2021 confirms receipt of the Road Frontage Works Certification and WAE drawings submitted by Dicker Data on the 29 January 2021.</p> <p>Council noted the following defect: Adjustment of the sewer maintenance hole (northbound cycle lane) which is currently covered in hot mix.</p> <p>Site inspection confirmed that defect had been resolved. Refer to photos of cycleway.</p>		Compliant
B	B7	Road Safety Audit Prior to the commencement of roadworks described in condition B3, the Applicant must prepare and submit a Road Safety Audit to the satisfaction of TfNSW. 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.	<p>RSA 19269-r01v03-191021 combined (004).pdf Email sent to Council on 2 March 2020 for Subject: SSD 8662 Consent Condition B7, Attachments: RSA 19269-r01v03-191021 combined (004).pdf.</p> <p>Consultation email sighted from TfNSW dated 29 May 2020 with confirmation of review and satisfaction of the RSA with recommendations included.</p>		Compliant

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SSD Part No.	SSD Req. No.	SSD-8662-Mod-1 Requirement	Audit Evidence	Audit Findings / Recommendations	Compliance Rating
B	B8	The Applicant must address any recommendations for road safety improvements identified in the Road Safety Audit described in condition B7.	Included in the design and will be constructed as per the design and road safety audit requirements. Email sent to Council on 30 October 2019 for 238 - 258 Captain Cook Drive Kurnell, SSD 8662 Acceleration Lane in compliance with consent conditions B3 to B9.		Compliant
B	B8A	Within three months of approval of SSD-8662-Mod-1, the Applicant must update the Road Safety Audit required under condition B7, to the satisfaction of the Planning Secretary and in consultation with TfNSW. The Road Safety Audit must identify the potential road safety issues and opportunities for improvements to the site access and road upgrades described in SSD-8662-Mod-1	Consultation email sighted from TfNSW dated 29 May 2020 with confirmation of review and satisfaction of the RSA with recommendations included. The relevant RSA was sighted (reference 19269 dated 21 October 2019) and identifies potential road safety issues. However, there was no evidence to demonstrate the update to the Road Safety Audit. Dicker Data noted that they are in the process of acquiring a Road Safety Auditor to comply with this condition.	NC-02: The Road Safety Audit has not been updated, to the satisfaction of DPIE, within the three-month timeframe. Recommendation: The Road Safety Audit to be reviewed and updated as required by the expert to ensure compliance with the SSD-8662-Mod-1.	Non-Compliant
B	B9	Bus Stops 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.	Design and drawings submitted to Council. Email sent to Council on 30 October 2019 for 238 - 258 Captain Cook Drive Kurnell, SSD 8662 Acceleration Lane in compliance with consent conditions B3 to B9. Email from civil design engineer for design and drawings of cycle way to Council for review was sent on 10 March 2020. Bus stops were constructed. As per B3, an email from Sutherland Shire Council was sighted dated 5 February 2021 confirming receipt of the Road Frontage Works Certification and WAE drawings submitted by Dicker Data on the 29 January 2021. Council noted the following defect: Transdev Bus Stop signs (at the bus stops) haven't been installed. Site inspection confirmed that correct signage has now been installed – see photos.		Compliant

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SSD Part No.	SSD Req. No.	SSD-8662-Mod-1 Requirement	Audit Evidence	Audit Findings / Recommendations	Compliance Rating
B	B10	Parking 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.	Sufficient parking is provided at the Dicker Data parking area. Refer to photos.		Compliant
B	B11	Operating Conditions The Applicant must ensure:	Constructed as designed and will be maintained.		Compliant
B	B11 (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 <i>Parking facilities Off-street car parking</i> (Standards Australia, 2004) and AS 2890.2:2002 <i>Parking facilities Off-street commercial vehicle facilities</i> (Standards Australia, 2002);	Evidence provided for B11 (a-b) Parking Facilities on site 6206-WAE-C108 SH2 signed by register surveyor on 9 December 2020. Refer to photos.		Compliant
B	B11 (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;			
B	B11 (c)	the development does not result in any vehicles queuing on the public road network;	B11 c-e : Enough parking space for the vehicles was provided for all employee parking and deliveries. There will be no queuing of vehicles along public roads.		
B	B11 (d)	heavy vehicles and bins associated with the development are not parked on local roads or footpaths in the vicinity of the site;			
B	B11 (e)	all vehicles are wholly contained on site before being required to stop;	All vehicles are wholly contained on site before being required to stop. All loading and unloading of materials is carried out on-site		
B	B11 (f)	all loading and unloading of materials is carried out on-site;			

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SSD Part No.	SSD Req. No.	SSD-8662-Mod-1 Requirement	Audit Evidence	Audit Findings / Recommendations	Compliance Rating
B	B11 (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	Truck Loads were covered prior to leaving site during construction.		
B	B11 (h)	the proposed turning areas in the car park are kept clear of any obstacles, including parked cars, at all times.	Turning areas in the car park are kept clear of any obstacles, including parked cars.		
B	B12	Work Place Travel Plan 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:	Work Travel Plan prepared by Ason Group dated 9/10/2019 in consultation with Council and approved by DPIE on 18/11/2019. Operational Environmental Management Plan (OEMP) 238-258 Captain Cook Drive, Kurnell NSW Prepared for Dicker Data Limited, 5 January 2021 Workplace Travel Plan process was included in the OEMP Section 5.7. Approved by DPIE on 03 February 2021.		Compliant
B	B12 (a)	be prepared in consultation with TfNSW;			
B	B12 (b)	outline facilities and measures to promote public transport usage, such as car share schemes and employee incentives; and			
B	B12 (c)	describe pedestrian and bicycle linkages and end of trip facilities available on-site.			
B	B13	The Applicant must not commence operation until the Work Place Travel Plan is approved by the Planning Secretary.	Operational Environmental Management Plan (OEMP) 238-258 Captain Cook Drive, Kurnell NSW Prepared for Dicker Data Limited, 5 January 2021 Workplace Travel Plan process was included in the OEMP Section 5.7. Approved by DPIE on 03 February 2021.		Compliant
B	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.	Operational Environmental Management Plan (OEMP) 238-258 Captain Cook Drive, Kurnell NSW Prepared for Dicker Data Limited, 5 January 2021 Workplace Travel Plan process was included in the OEMP Section 5.7. Approved by DPIE on 03 February 2021.		Compliant

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SSD Part No.	SSD Req. No.	SSD-8662-Mod-1 Requirement	Audit Evidence	Audit Findings / Recommendations	Compliance Rating
B	B15	SOILS, WATER QUALITY AND HYDROLOGY Imported Soil The Applicant must:	VENM Classification Suitability Report dated 3 October 2019 for the 19034 IA14 Review of Waste Classification from Gordon and Kogarah source sites prepared by ZOIC Environmental Pty Ltd.		Compliant
B	B15 (a)	ensure that only VENM, ENM, or other material approved in writing by EPA is brought onto the site;	VENM Classification Suitability Report dated 3 September 2019 for the 19034 IA12 Review of Waste Classification reports for Sydney Metro - North Station Shaft (Northern and Eastern Portion), Martin Place, 18 Castlereagh St, Sydney prepared by ZOIC Environmental Pty Ltd.		
B	B15 (b)	keep accurate records of the volume and type of fill to be used; and			
B	B15 (c)	make these records available to the Department upon request.			
B	B16	Erosion and Sediment Control Plans certified in accordance with section 6.28 of the EP&A Act are to be submitted to the Certifying Authority and the Department prior to commencement of each stage of the works and must include details as required by any of the following conditions.	Submitted to CA and DPIE on 24/09/2019 and approved by DPIE on 3/10/2019.		Compliant
B	B17	Discharge Limits The development must comply with section 120 of the POEO Act, which prohibits the pollution of waters.	Noted acknowledge in the CEMP. No discharge to date.		Compliant
B	B18	Stormwater Management System Prior to the commencement of operation, the Applicant must design, install and operate a stormwater management system for the development. The system must:	Design has been submitted to Council, DPIE and CA. Sighted TTW Civil Stormwater Inspection Certificate ref 171516 CAAA dated 22 December 2020 confirming works are in accordance with this condition as part of the Interim Occupation Certificate No. E20031/IOC-01 dated 30 July 2021 from Elite Certification.		Compliant
B	B18 (a)	be designed by a suitably qualified and experienced person(s) whose appointment has been endorsed by the Planning Secretary;	Email from DPIE dated 27 February 2020 for the approval of the Dicker Data Warehouse and Distribution Centre - A27 Details of Chartered Engineer.		

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SSD Part No.	SSD Req. No.	SSD-8662-Mod-1 Requirement	Audit Evidence	Audit Findings / Recommendations	Compliance Rating
			<p>Dicker Data engaged Stephen Brain of Taylor Thomson Whitting (TTW). Request made on DPIE portal 20 May 2020.</p> <p>Sighted DPIE approval letter dated 25 May 2020 approving Stephen Brain of TTW to prepare documentation for the design of the Stormwater Management System.</p>		
B	B18 (b)	be prepared in consultation with Council and be generally in accordance with the conceptual design in the RTS;	Dicker Data Warehouse Civil Design Certificate dated 23 May 2019 prepared by TAYLOR THOMSON WHITTING (NSW) PTY LTD in accordance with Condition B18.		
B	B18 (c)	remove the western stormwater discharge point to Captain Cook Drive;	Updated drawings sighted for overall stormwater plan – C105 Rev 0 and C111 Rev D, 9 March 2020 for the removal of the Western Stormwater Discharge Point.		
B	B18 (d)	be in accordance with applicable Australian Standards;			
B	B18 (e)	ensure that water discharged from the site complies with Council's water quality standards;			
B	B18 (f)	ensure that the stormwater management system is designed and maintained to protect the safety of the public;			
B	B18 (g)	verify the performance of water quality treatment measures using MUSIC modelling software;			
B	B18 (h)	ensure that the system capacity has been designed in accordance with <i>Australian Rainfall and Runoff</i> (Engineers Australia, 2016) and <i>Managing Urban Stormwater: Council Handbook</i> (EPA, 1997) guidelines;			
B	B18 (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; and			

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SSD Part No.	SSD Req. No.	SSD-8662-Mod-1 Requirement	Audit Evidence	Audit Findings / Recommendations	Compliance Rating
B	B18 (j)	incorporate the concept plan titled “Extract civil concept design plan C110_S4.55 Revision P1” from the Response to Submissions State Significant Development Modification SSD-8662-MOD-1 prepared by BBC Consulting Planners Pty Ltd dated October 2020.	Noted. Concept plan included in the submission.		Compliant
B	B18A	<p>Within six months of approval of SSD-8662-Mod-1, the Applicant must prepare a Stormwater Monitoring Program, to the satisfaction of the Planning Secretary. The Program must:</p> <p>(a) be undertaken by a suitably qualified expert;</p> <p>(b) be undertaken in consultation with the EESG and NPWS;</p> <p>(c) describes the measures undertaken to monitor storm events greater than the 1% Annual Exceedance Probability events in the western vegetation zone and Towra Point Nature Reserve Ramsar Site (TPNRRS);</p> <p>(d) outline the contingency plan if the monitoring indicates any of the impact assessment criteria or performance criteria has been exceeded;</p> <p>(e) incorporate a program for ongoing monitoring and review; and</p> <p>(f) mechanisms to report results to relevant agencies</p>	<p>A Stormwater Monitoring Program was not developed within the six-month period (December 2020 to June 2021).</p> <p>Ongoing requirement. Dicker Data engaged Taylor Thomson Whitting (TTW). Request made on DPIE portal 20 May 2020. Sighted DPIE approval letter dated 25 May 2020 approving Stephen Brain of TTW to prepare documentation for the design of the Stormwater Management System.</p>	<p>NC-03: The Stormwater Monitoring Program has not been developed, to the satisfaction of DPIE, within the six-month timeframe.</p> <p>Recommendation: The Stormwater Monitoring Program to be developed to the satisfaction of DPIE, in compliance with the SSD-8662-Mod-1 B18A.</p>	Non-Compliant
B	B19	<p>Flood Management</p> <p>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:</p>	Flood Emergency Response Plan J1902_R2, May 2019 prepared by FloodMit Pty Ltd		Compliant

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SSD Part No.	SSD Req. No.	SSD-8662-Mod-1 Requirement	Audit Evidence	Audit Findings / Recommendations	Compliance Rating
B	B19 (a)	be prepared by a suitably qualified and experienced person(s);			
B	B19 (b)	address the provisions of the Floodplain Risk Management Guideline (OEH, 2007);			
B	B19 (c)	include details of:			
B	B19 (c) (i)	flood emergency responses;			
B	B19 (c) (ii)	predicted flood levels;			
B	B19 (c) (iii)	flood warning time and flood notification;			
B	B19 (c) (iv)	assembly points and evacuation routes;			
B	B19 (c) (v)	evacuation and refuge protocols; and			
B	B19 (c) (vi)	awareness training for employees and contractors.			
B	B20	The Applicant must:	Submitted to DPIE on 24/09/2019 and approved by DPIE on 3/10/2019. Noted implemented onsite.		Compliant
B	B20 (a)	not commence construction until the FERP required by condition B19 is approved by the Planning Secretary; and			
B	B20 (b)	implement the most recent version of the FERP approved by the Planning Secretary for the duration of the development.			
B	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.	B21 WMK DESIGN STATEMENT 2020.02.20 V2		Compliant

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SSD Part No.	SSD Req. No.	SSD-8662-Mod-1 Requirement	Audit Evidence	Audit Findings / Recommendations	Compliance Rating
B	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.	B22 Civil Design Certificate & Email to Certifier, Dicker Data Office & Warehouse Development Captain Cook Drive, Kurnell Civil Design Certificate dated 5 March 2020 by TTW		Compliant
B	B23	Any structures below the 1% Annual Exceedance Probability plus 500 mm of freeboard must be constructed from flood compatible building components.	B22 Civil Design Certificate & Email to Certifier, Dicker Data Office & Warehouse Development Captain Cook Drive, Kurnell Civil Design Certificate dated 5 March 2020 by TTW		Compliant
B	B24	Groundwater Management 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:	Prepared by Lee Douglass Principal Hydrogeologist (CEnvP SCP: SC40974) Approval of DPIE on Lee Douglas record was presented Letter dated 15 May 2019. DPIE approved the plan as part of the CEMP on 3/10/2019.		Compliant
B	B24 (a)	be prepared by a suitably qualified and experienced person(s) whose appointment has been endorsed by the Planning Secretary;			
B	B24 (b)	provide the following:	Groundwater Management Plan 19066RP01 GMP Version 1 Report No: 19066RP01 GMP, Report Date: 3 May 2019, Revision Text: Version 1,		Compliant
B	B24 (b) (i)	flood emergency responses;			
B	B24 (b) (ii)	predicted flood levels;			
B	B24 (b) (iii)	flood warning time and flood notification;			
B	B25	The Applicant must:			
B	B25 (a)	not commence construction until the GMP required by condition B24 is approved by the Planning Secretary; and	DPIE approved the plan as part of the CEMP on 3/10/2019. Noted implemented onsite.		Compliant

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SSD Part No.	SSD Req. No.	SSD-8662-Mod-1 Requirement	Audit Evidence	Audit Findings / Recommendations	Compliance Rating
B	B25 (b)	implement the most recent version of the GMP approved by the Planning Secretary for the duration of the development.			
B	B26	The Applicant must obtain any necessary water related approvals from Dol in the event that groundwater is likely to be intercepted or extracted during construction works.	Not triggered. Not intercepted.		Not Triggered
B	B27	Hydrology The Applicant must ensure that any works within watercourses or on waterfront land is undertaken in accordance with Dol's 'Guidelines for Controlled Activities on Waterfront Land (2018)'.	No works within the watercourse.		Not Triggered
B	B28	BIODIVERSITY Removal of Vegetation 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.	The following evidences were presented: - APX3 ID11 Tree Protection Certification 2_200819 - X3 ID12 Biodiversity Pre-clearance Survey.Cpt.Cook.Dr.Kurnell.FIN02.20190620 Consistency Assessment was conducted by Biosis for the vegetation zone.		Compliant
B	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.	Tree protection were implemented. All trees that need to be protected were fenced off and with "no access" signage.		Compliant
B	B30	Biodiversity Management Plan 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	Biodiversity Management Plan 29894.Cpt.Cook.Dr.BMP.FIN02.20190620 by Biosis APX3 ID12 BDAR Biodiversity Development Assessment Report		Compliant

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SSD Part No.	SSD Req. No.	SSD-8662-Mod-1 Requirement	Audit Evidence	Audit Findings / Recommendations	Compliance Rating
		prepared in consultation with EESG and ensure that:	Re: Pre-clearance survey and seed collection for 238 – 258 Captain Cook Drive, Kurnell Project no. 29969 20 June 2019.		
B	B30 (a)	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;			
B	B30 (b)	remnant native vegetation removed from the site, especially juvenile plants are translocated to the proposed landscape areas;			
B	B30 (c)	the topsoil from the removal of native vegetation is used in site landscaping; and			
B	B30 (d)	seed from the native plants removed from the site is collected and used in site landscaping.			
B	B30A	<p>Within six months of approval of SSD-8662-Mod-1, the Applicant must update the BMP required under condition B30, to the satisfaction of the Planning Secretary. The BMP must be prepared in consultation with EESG and must:</p> <p>(a) be prepared by a suitably qualified expert;</p> <p>(b) show the specific vegetation 'no-go' zones on site;</p> <p>(c) outline the vegetation and tree protection measures to be used in protection zones;</p> <p>(d) outline specific performance measures and performance monitoring procedures;</p> <p>(e) detail the vegetation to be removed for works approved under SSD-8662-Mod-1;</p> <p>(f) detail the vegetation to be replaced for works approved under SSD-8662-Mod-1;</p> <p>(g) describe the roles and responsibilities of key personnel for the BMP; and</p>	<p>Not compliant for 6 months timeline (from December 2020, due June 2021). However, no trees / vegetation has been removed under Mod-1.</p> <p>An expert is currently being acquired to update the BMP to address this condition.</p>	<p>NC-04: The Biodiversity Management Plan has not been updated as per the requirements of this condition B30A, to the satisfaction of DPIE, within the six-month timeframe.</p> <p>Recommendation: The Biodiversity Management Plan to be reviewed by the Ecologist and be updated as required to the satisfaction of DPIE, in compliance with the SSD-8662-Mod-1 B30A. Or a confirmation letter from the Ecologist who prepared the plan that there was no additional trees/vegetation clearing conducted as part of the SSD Modification 1 scope of works that will trigger the amendment of the BMP.</p>	Non-Compliant

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SSD Part No.	SSD Req. No.	SSD-8662-Mod-1 Requirement	Audit Evidence	Audit Findings / Recommendations	Compliance Rating
		(h) detail the procedures to contact EESG if any additional vegetation clearing is required for the maintenance of structures in the vegetation zones.			
B	B31	Landscaping The Applicant must ensure the site landscaping features a diversity of native vegetation from the relevant native vegetation communities. The landscaping must:	B31 a b c d e Landscaping Dicker Data SNA Design Certification 191010		Compliant
B	B31 (a)	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;	Landscaping has been completed as per design accepted by CA in the IOC: Sighted Drawings A110 and A111 22 as part of the documentation submitted by Dicker Data 1 December 2020, accepted by CA as per Interim Occupation Certificate No. E20031/IOC-01, 30 July 2021 – Elite Certification.		
B	B31 (b)	comply with the principles of Appendix 5 of Planning for Bushfire Protection 2006;			
B	B31 (c)	feature semi-mature trees (with a minimum tree height of 2 metres and/or plant container size of at least 50 litres);			
B	B31 (d)	achieve a minimum of 4 plants per square metre; and			
B	B31 (e)	feature native grass species (such as <i>Zoysia macrantha</i> 'Nara') in turfed areas.			
B	B32	CONTAMINATION Site Auditor Prior to the commencement of any earthworks or remediation works on site, the Applicant must engage a Site Auditor accredited under the <i>Contaminated Land Management Act 1997</i> NSW Site Auditor Scheme.	Zoic Environmental Pty Ltd (Accredited EPA Site Auditor - Rebeka Hall) was contracted by Dicker Data. Engagement letter 21 February 2019.		Compliant

Audit Compliance Codes: C: Compliant NC: No-Compliant; NT: Not triggered

SSD Part No.	SSD Req. No.	SSD-8662-Mod-1 Requirement	Audit Evidence	Audit Findings / Recommendations	Compliance Rating
B	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.	EPA Site Auditor - Rebeka Hall reviewed and conditionally approved the Remediation Action Plan under Interim Advise No.5 dated 30 August 2018.		Compliant
B	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.	B34 FW_ 19034 IA8 endorsement of New RAP Dicker Data 238 Captain Cook Drive Kurnell, Email from DPIE confirmation of B34 was met dated 8 July 2019.		Compliant
B	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 <i>Contaminated Land Management Act 1997</i> .	B35 Licence of Remediation Contractor Absolute Contracting Pty Ltd Licence AD213119 from 16/01/2019 to 15/01/2024		Compliant
B	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:	Dicker Data Warehouse and Distribution Centre - Site Audit Report and Statement was lodged in DPIE portal on 26/11/2020. No comments from DPIE as per response 4 December 2020.		Compliant
B	B36 (a)	be prepared in accordance with the NSW Contaminated Land Management - Guidelines for the NSW Site Auditor Scheme 2017; and			
B	B36 (b)	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.			

Audit Compliance Codes: C: Compliant NC: No-Compliant; NT: Not triggered

SSD Part No.	SSD Req. No.	SSD-8662-Mod-1 Requirement	Audit Evidence	Audit Findings / Recommendations	Compliance Rating
B	B37	Long Term Environmental Management Plan 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.	The Long Term Environmental Management Plan for the site 238 - 258 Captain Cook Drive Kurnell under SSD consent 8662 condition B37 & B38 revision 3 dated 12 October 2020 was lodged in DPIE portal on 13/10/2020 for acceptance. Sighted DPIE letter dated 5 November 2020 for approval of LTEMP.		Compliant
B	B38	The LTEMP is to:			
B	B38 (a)	address all environmental impacts of the development's construction and operational phases;			
B	B38 (b)	recommend any systems/controls to be implemented to minimise the potential for any adverse environmental impact(s);			
B	B38 (c)	incorporate a programme for ongoing monitoring and review to ensure that the LTEMP remains contemporary with relevant environmental standards; and			
B	B38 (d)	mechanisms to report results to relevant agencies (e.g. Council and EPA).			
B	B39	Upon completion of the Site Audit Statement and Site Audit Report, the Applicant must:	The Long Term Environmental Management Plan for the site 238 - 258 Captain Cook Drive Kurnell under SSD consent 8662 condition B37 & B38 revision 3 dated 12 October 2020 was lodged in DPIE portal on 13/10/2020 for acceptance. Sighted DPIE approval letter dated 5 November 2020 of LTEMP.		Compliant
B	B39 (a)	implement the approved LTEMP; and			
B	B39 (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 <i>Environmental Planning and Assessment Act 1979</i> , for the development.			

Audit Compliance Codes: C: Compliant NC: No-Compliant; NT: Not triggered

SSD Part No.	SSD Req. No.	SSD-8662-Mod-1 Requirement	Audit Evidence	Audit Findings / Recommendations	Compliance Rating
B	B40	Asbestos 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:	PS104204 Asbestos Management Plan Final 27/02/2019 prepared by WSP was implemented at the site. Records of waste dockets and hygienist reports were presented last audit.		Compliant
B	B40 (a)	Work Health and Safety Regulation 2017;			
B	B40 (b)	Model Code of Practice – How to Manage and Control Asbestos in the Workplace, 2016 Safe Work Australia;			
B	B40 (c)	Model Code of Practice – How to Safely Remove Asbestos, 2016 Safe Work Australia; and			
B	B40 (d)	Protection of the Environment Operations (Waste) Regulation 2014.			
B	B41	Acid Sulphate Soils Management Plan 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'.	Acid Sulphate Soil Management Plan 84677.02.R.001.Rev1 prepared by Douglas Partner. No acid Sulphate Soils found to date.		Compliant

Audit Compliance Codes: C: Compliant NC: No-Compliant; NT: Not triggered

SSD Part No.	SSD Req. No.	SSD-8662-Mod-1 Requirement	Audit Evidence	Audit Findings / Recommendations	Compliance Rating
B	B42	<p>FIRE PROTECTION AND MANAGEMENT Asset Protection Zones</p> <p>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).</p>	<p>The B42 Bush Fire Protection & Management Asset Protection Zone prepared by Australian Bushfire Protection Planners Pty Ltd is being implemented at the site.</p>		Compliant
B	B43	<p>Design and Construction</p> <p>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:</p>	<p>Part of the Construction Certificates CC1 & CC2.</p> <p>Sighted Interim Occupation Certificate No. E20031/IOC-01 dated 30 July 2021 from Elite Certification.</p>		Compliant
B	B43 (a)	internal access roads comply with section 4.1.3(2) of Planning for Bushfire Protection 2006;			
B	B43 (b)	arrangements for emergency and evacuation comply with section 4.2.7 of Planning for Bushfire Protection 2006; and			
B	B43 (c)	the provision of water, electricity and gas complies with section 4.1.3 of Planning for Bushfire Protection 2006.			

Audit Compliance Codes: C: Compliant NC: No-Compliant; NT: Not triggered

SSD Part No.	SSD Req. No.	SSD-8662-Mod-1 Requirement	Audit Evidence	Audit Findings / Recommendations	Compliance Rating
B	B44	Bush Fire Emergency Management 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 <i>Development Planning – A Guide to Developing a Bush Fire Emergency Management and Evacuation Plan</i> .	Bush Fire Protection & Management Asset Protection Zone B172990 – Dicker Data Warehouse – Kurnell prepared by Australian Bushfire Protection Planners Pty Limited. Certified under the Interim Occupation Certificate No. E20031/IOC-01, 30 July 2021 – Elite Certification.		Compliant
B	B45	ABORIGINAL HERITAGE Aboriginal Cultural Heritage Management Plan (ACHMP) 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:	Aboriginal Cultural Heritage Management Plan prepared by Coast History & Heritage June 2019		Compliant
B	B45 (a)	be prepared by a suitably qualified and experienced expert in consultation with the Registered Aboriginal Parties;	Section 1.4 defined the consultation process and RAPs consulted.		
B	B45 (b)	be submitted to the satisfaction of the Planning Secretary prior to construction of any part of the development; and	Submitted on 24 September 2019 to DPIE and approved as part of CEMP on 3/10/2019.		
B	B45 (c)	describe the measures to protect middens and other Aboriginal artefacts on the site in perpetuity.	Defined in the plan.		
B	B46	The Applicant must:			
B	B46 (a)	not commence construction until the Aboriginal Cultural Heritage Management Plan is approved by the Planning Secretary; and	Submitted on 24 September 2019 to DPIE and approved as part of CEMP on 3/10/2019.		

Audit Compliance Codes: C: Compliant NC: No-Compliant; NT: Not triggered

SSD Part No.	SSD Req. No.	SSD-8662-Mod-1 Requirement	Audit Evidence	Audit Findings / Recommendations	Compliance Rating
B	B46 (b)	implement the most recent version of the Aboriginal Cultural Heritage Management Plan approved by the Planning Secretary for the duration of the development.	Implemented on site. The aboriginal pad is demarcated on site.		
B	B47	Unexpected Finds Protocol If any item or object of Aboriginal heritage significance is identified on site:	Defined in Section 2.2 of the ACHMP. No unexpected finds to date.		Compliant
B	B47 (a)	all work in the immediate vicinity of the suspected Aboriginal item or object must cease immediately;			
B	B47 (b)	a 10 m wide buffer area around the suspected item or object must be cordoned off; and			
B	B47 (c)	the Heritage NSW must be contacted immediately.			
B	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 <i>National Parks and Wildlife Act 1974</i> .	Process defined in the ACHMP. Aboriginal pad area was barricaded and confirmed as per previous site inspection. No works occurred within the immediate vicinity of the pad.		Compliant
B	B49	HISTORIC HERITAGE Unexpected Finds Protocol 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.	Defined in Section 2.2 of the ACHMP. No finds to date.		Compliant
B	B50	AIR QUALITY Dust Minimisation The Applicant must take all reasonable steps to minimise dust generated during all works authorised by this consent.	Air quality and dust minimisation management were defined in CEMP Appendix 2 Risk Assessment Register and Appendix 3 Operational Controls. Construction and landscaping works have been completed.		Compliant
B	B51	During construction, the Applicant must ensure that:			

Audit Compliance Codes: C: Compliant NC: No-Compliant; NT: Not triggered

SSD Part No.	SSD Req. No.	SSD-8662-Mod-1 Requirement	Audit Evidence	Audit Findings / Recommendations	Compliance Rating													
B	B51 (a)	exposed surfaces and stockpiles are suppressed by regular watering;																
B	B51 (b)	all trucks entering or leaving the site with loads have their loads covered;																
B	B51 (c)	trucks associated with the development do not track dirt onto the public road network;																
B	B51 (d)	public roads used by these trucks are kept clean; and																
B	B51 (e)	land stabilisation works are carried out progressively on site to minimise exposed surfaces.																
B	B50	<p>NOISE Hours of Work</p> <p>The Applicant must comply with the hours detailed in Table 1, unless otherwise agreed in writing by the Planning Secretary.</p> <p><i>Table 1 Hours of Work</i></p> <table border="1"> <thead> <tr> <th>Activity</th> <th>Day</th> <th>Time</th> </tr> </thead> <tbody> <tr> <td rowspan="2">Earthworks and construction</td> <td>Monday – Friday</td> <td>7 am to 6 pm</td> </tr> <tr> <td>Saturday</td> <td>8 am to 1 pm</td> </tr> <tr> <td rowspan="2">Operation</td> <td>Monday – Friday</td> <td>6.00 am to 10 pm</td> </tr> <tr> <td>Saturday</td> <td>6 am to 4 pm</td> </tr> </tbody> </table>	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	Controls were defined in CEMP Appendix 2 Risk Assessment Register and Appendix 3 Operational Controls. Works were conducted within the approved working hours only.		Compliant
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																
B	B53	Works outside of the hours identified in condition B52 may be undertaken in the following circumstances:	Controls were defined in CEMP Appendix 2 Risk Assessment Register and Appendix 3 Operational Controls. Works were conducted within the approved working hours only.		Compliant													
B	B53 (a)	works that are inaudible at the nearest sensitive receivers;																
B	B53 (b)	for the delivery of materials required outside these hours by the NSW Police Force or other authorities for safety reasons; or																

Audit Compliance Codes: C: Compliant NC: No-Compliant; NT: Not triggered

SSD Part No.	SSD Req. No.	SSD-8662-Mod-1 Requirement	Audit Evidence	Audit Findings / Recommendations	Compliance Rating
B	B53 (c)	where it is required in an emergency to avoid the loss of lives, property or to prevent environmental harm.			
B	B54	Construction Noise Limits The development must be constructed to achieve the construction noise management levels detailed in the <i>Interim Construction Noise Guideline</i> (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.	Controls were defined in CEMP Appendix 2 Risk Assessment Register and Appendix 3 Operational Controls. No noise complaints received to date.		Compliant
B	B55	FOOD PREPARATION AND STORAGE AREA 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 <i>Australian Standard AS 4674-2004 'Design Construction and Fitout of Food Premises'</i> .	Requirements included in the CC2 and certified under Interim Occupation Certificate E200331/IOC-01.		Compliant
B	B56	HAZARDS AND RISK The Applicant must store all chemicals, fuels and oils used on-site in accordance with:	Controls defined in CEMP Appendix 2 Risk Assessment Register and Appendix 3 Operational Controls. No chemicals stored on site.		Compliant
B	B56 (a)	the requirements of all relevant Australian Standards; and			
B	B56 (b)	the NSW EPA's <i>Storing and Handling of Liquids: Environmental Protection – Participants Manual</i> if the chemicals are liquids.			

Audit Compliance Codes: C: Compliant NC: No-Compliant; NT: Not triggered

SSD Part No.	SSD Req. No.	SSD-8662-Mod-1 Requirement	Audit Evidence	Audit Findings / Recommendations	Compliance Rating
B	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.	Noted.		Compliant
B	B58	Bundling The Applicant must store all chemicals, fuels and oils used on-site in appropriately bunded areas in accordance with the requirements of all relevant Australian Standards, and/or EPA's <i>Storing and Handling of Liquids: Environmental Protection – Participants Manual</i> (Department of Environment and Climate Change, 2007).	Controls were defined in CEMP Appendix 2 Risk Assessment Register and Appendix 3 Operational Controls. Construction complete. No chemicals stored on site.		Compliant
B	B59	WASTE MANAGEMENT Pests, Vermin and Noxious Weed Management The Applicant must:	Controls were defined in EMP Appendix 2 Risk Assessment Register and Appendix 3 Operational Controls.		Compliant
B	B59 (a)	implement suitable measures to manage pests, vermin and declared noxious weeds on the site; and	Sighted Biodiversity Management Plan Version 1 dated 20 June 2019.		
B	B59 (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. <i>Note: For the purposes of this condition, noxious weeds are those species subject to an order declared under the Noxious Weed Act 1993.</i>	Construction complete. OEMP and LTEMP in place.		Compliant

Audit Compliance Codes: C: Compliant NC: No-Compliant; NT: Not triggered

SSD Part No.	SSD Req. No.	SSD-8662-Mod-1 Requirement	Audit Evidence	Audit Findings / Recommendations	Compliance Rating
B	B60	Waste Storage and Processing 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.	Sutherland Shire Council's acceptance for SSD 8662 Consent Conditions B60 & B61 Waste Storage for 238-258 Captain Cook Drive Kurnell was sent on 18 September 2020. Refer to photos.		Compliant
B	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.	Sutherland Shire Council's acceptance for SSD 8662 Consent Conditions B60 & B61 Waste Storage for 238-258 Captain Cook Drive Kurnell was sent on 18 September 2020. All kitchens were installed with separate waste bins for recyclables and general wastes. Printing area waste bins installed. Refer to photos.		Compliant
B	B62	VISUAL AMENITY Lighting The Applicant must ensure the lighting associated with the development:	Lighting design and requirements were included in CC2.		Compliant
B	B62 (a)	complies with the latest version of AS 4282-1997 - <i>Control of the obtrusive effects of outdoor lighting</i> (Standards Australia, 1997); and			
B	B62 (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.			
B	B63	Fencing All fencing must be erected in accordance with the development plans included in Appendix 1. Note: This condition does not apply to temporary construction and safety related signage and fencing	Fencing was installed around the site perimeter as per the development plans in Appendix 1. Refer to photos.		Compliant

Audit Compliance Codes: C: Compliant NC: No-Compliant; NT: Not triggered

SSD Part No.	SSD Req. No.	SSD-8662-Mod-1 Requirement	Audit Evidence	Audit Findings / Recommendations	Compliance Rating
B	B64	Airspace Protection 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 <i>Airports Act 1996</i> and <i>Airports (Protection of Airspace) Regulations 1996</i> .	Sydney Airport Letter dated 22 July 2019 this was submitted to DPIE together with Construction Certificates.		Compliant
B	B65	COMMUNITY ENGAGEMENT 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.	Consultation with Desalination Plant record sighted and with Council regarding the civil works - stormwater management.		Compliant
PART C - ENVIRONMENTAL MANAGEMENT, REPORTING AND AUDITING					
C	C1	ENVIRONMENTAL MANAGEMENT Management Plan Requirements Management plans required under this consent must be prepared in accordance with relevant guidelines, and include:	Construction Environmental Management Plan (CEMP) Proposed Warehouse 238-258 Captain Cook Drive, Kurnell dated 23 September 2019.		Compliant
C	C1 (a)	detailed baseline data;	Section 1 & 2		
C	C1 (b)	details of:			
C	C1 (b) (i)	the relevant statutory requirements (including any relevant approval, licence or lease conditions);	Appendix 1		
C	C1 (b) (ii)	any relevant limits or performance measures and criteria; and	Section 11		

Audit Compliance Codes: C: Compliant NC: No-Compliant; NT: Not triggered

SSD Part No.	SSD Req. No.	SSD-8662-Mod-1 Requirement	Audit Evidence	Audit Findings / Recommendations	Compliance Rating
C	C1 (b) (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;	Section 11		
C	C1 (c)	a description of the measures to be implemented to comply with the relevant statutory requirements, limits, or performance measures and criteria;	Section 13		
C	C1 (d)	a program to monitor and report on the:			
C	C1 (d) (i)	impacts and environmental performance of the development; and	Section 13		
C	C1 (d) (ii)	effectiveness of the management measures set out pursuant to paragraph (c) above;	Section 13		
C	C1 (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;	Appendix 6		
C	C1 (f)	a program to investigate and implement ways to improve the environmental performance of the development over time;	Section 15		
C	C1 (g)	a program to investigate and implement ways to improve the environmental performance of the development over time;			
C	C1 (g) (i)	incident and any non-compliance (specifically including any exceedance of the impact assessment criteria and performance criteria);	Section 14		
C	C1 (g) (ii)	complaint;	Section 14		
C	C1 (g) (iii)	failure to comply with statutory requirements; and	Appendix 3		

Audit Compliance Codes: C: Compliant NC: No-Compliant; NT: Not triggered

SSD Part No.	SSD Req. No.	SSD-8662-Mod-1 Requirement	Audit Evidence	Audit Findings / Recommendations	Compliance Rating
C	C1 (h)	a protocol for periodic review of the plan. <i>Note: the Planning Secretary may waive some of these requirements if they are unnecessary or unwarranted for particular management plans</i>	Section 15		
C	C2	OPERATIONAL ENVIRONMENTAL MANAGEMENT PLAN 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.	Operational Environmental Management Plan (OEMP) 238-258 Captain Cook Drive, Kurnell NSW Prepared for Dicker Data Limited 5 January 2021 approved by DPIE on 3 February 2021.		Compliant
C	C3	As part of the OEMP required under Condition C5 of this consent, the Applicant must include the following:			
C	C3 (a)	describe the role, responsibility, authority and accountability of all key personnel involved in the environmental management of the development;			
C	C3 (b)	describe the procedures that would be implemented to:			
C	C3 (c)	Flood Emergency Response (see Condition B19);			
C	C3 (d)	Groundwater Management Plan (see Condition B24);			
C	C3 (e)	Aboriginal Cultural Heritage Management Plan (see Condition B45); and			
C	C3 (f)	Community Consultation and Complaints Handling.			
C	C4	The Applicant must:			
C	C4 (a)	not commence construction of the development until the CEMP is approved by the Planning Secretary; and			

Audit Compliance Codes: C: Compliant NC: No-Compliant; NT: Not triggered

SSD Part No.	SSD Req. No.	SSD-8662-Mod-1 Requirement	Audit Evidence	Audit Findings / Recommendations	Compliance Rating
C	C4 (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.			
C	C5	CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN 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.	Construction Environmental Management Plan (CEMP) Proposed Warehouse 238-258 Captain Cook Drive, Kurnell dated 23 September 2019. Approved by DPIE on 3/10/2019.		Compliant
C	C6	As part of the CEMP required under Condition C2 of this consent, the Applicant must include the following:			
C	C6 (a)	Construction Traffic Management Plan (see Condition B1);			
C	C6 (b)	Erosion and Sediment Control Plan (see Condition B16);			
C	C6 (b) (i)	keep the local community and relevant agencies informed about the operation and environmental performance of the development;			
C	C6 (b) (ii)	receive, handle, respond to, and record complaints;			
C	C6 (b) (iii)	resolve any disputes that may arise;			
C	C6 (b) (iv)	respond to any non-compliance;			
C	C6 (b) (v)	respond to emergencies; and			

Audit Compliance Codes: C: Compliant NC: No-Compliant; NT: Not triggered

SSD Part No.	SSD Req. No.	SSD-8662-Mod-1 Requirement	Audit Evidence	Audit Findings / Recommendations	Compliance Rating
C	C6 (c)	include the following environmental management plans:			
C	C6 (c) (i)	Work Place Travel Plan (see Condition B12); and			
C	C6 (c) (ii)	Flood Emergency Response (see Condition B19).			
C	C7	The Applicant must:			Compliant
C	C7 (a)	not commence operation until the OEMP is approved by the Planning Secretary; and	Operational Environmental Management Plan (OEMP) 238-258 Captain Cook Drive, Kurnell NSW Prepared for Dicker Data Limited 5 January 2021 approved by DPIE on 3 February 2021.		
C	C7 (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).	Sighted Interim Occupation Certificate No. E20031/IOC-01 dated 30 July 2021 from Elite Certification.		
C	C8	REVISION OF STRATEGIES, PLANS AND PROGRAMS Within three months of:	No activities trigger revision of EMP as the construction was completed within 12 months and non-compliant raised during the previous audit does not trigger any revision to the EMP.		Compliant
C	C8 (a)	the submission of a Compliance Report under condition C15;			
C	C8 (b)	the submission of an incident report under condition C10;			
C	C8 (c)	the submission of an Independent Audit under condition C18;			
C	C8 (d)	the approval of any modification of the conditions of this consent; or			
C	C8 (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.			

Audit Compliance Codes: C: Compliant NC: No-Compliant; NT: Not triggered

SSD Part No.	SSD Req. No.	SSD-8662-Mod-1 Requirement	Audit Evidence	Audit Findings / Recommendations	Compliance Rating
C	C9	<p>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.</p> <p><i>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.:</i></p>			
C	C10	<p>REPORTING AND AUDITING Incident Notification, Reporting and Response</p> <p>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.</p>	<p>No incidents reported to date.</p>		<p>Not Triggered</p>

Audit Compliance Codes: C: Compliant NC: No-Compliant; NT: Not triggered

SSD Part No.	SSD Req. No.	SSD-8662-Mod-1 Requirement	Audit Evidence	Audit Findings / Recommendations	Compliance Rating
C	C11	Non-Compliance Notification 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.	The notification of non-compliance was included in the submission of the final Audit Report 01 in May 2020 to DPIE. The audit report also included the response to the non-compliance and the non-compliance raised was also addressed prior to the finalisation of the Audit Report 01-May 2020.	Dicker Data is to notify DPIE within 7 days of receiving the final audit report.	Compliant
C	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.			
C	C13	A non-compliance which has been notified as an incident does not need to also be notified as a non-compliance.			
C	C14	Compliance Reporting 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.	The SSD 8662 238-258 Captain Cook Drive Kurnell Compliance Monitoring Report Dicker Data Ltd Ver 0.1.pdf was prepared and submitted to DPIE on 14 November 2019.		Compliant
C	C15	Compliance Reports of the project must be carried out in accordance with the Compliance Reporting Post Approval Requirements (Department 2018).	Compliance reports June 2020 and December 2020 were provided to auditor. An Advisory Letter received from DPIE on 10 June 2020, adaptation of the requirements of the revised 2020 Compliance Reporting and Audit Post Approval Requirements. Refer to Appendix F.	Dicker Data to note: Operational Compliance Report required for the duration of operation at intervals, no greater than 52 weeks from the date of commencement of operation – ongoing reporting.	Not Triggered

Audit Compliance Codes: C: Compliant NC: No-Compliant; NT: Not triggered

SSD Part No.	SSD Req. No.	SSD-8662-Mod-1 Requirement	Audit Evidence	Audit Findings / Recommendations	Compliance Rating
C	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.	https://www.dickerdata.com.au/facility/238-258-captain-cook-drive-kurnell-development		Compliant
C	C17	Independent Audit 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.	Audit Program was submitted to DPIE on 15 October 2019 and DPIE approval letter was received on 22 October 2019. As per the advisory letter received on 10 June 2020 from DPIE submission of the revised audit program was no longer required. However, Dicker Data has maintained and implemented their audit program.	Note: An audit is to be conducted within 26 weeks of the commencement of operation and at intervals, no greater than 3 years or as otherwise agreed by the Secretary.	Compliant
C	C18	Independent Audits of the development must be carried out in accordance with:	Audit 01. The construction date commenced on 13 January 2020. The initial audit as per the audit program and DPAR requirement was conducted within 16 weeks form the commencement of construction on 16-17 April 2020. Report was submitted to Dicker Data on 11 May 2020. Response to audit issue was provided to auditor included in the report on 8 June 2020.		Compliant
C	C18 (a)	the Independent Audit Program submitted to the Department under condition C17 of this consent; and			
C	C18 (b)	the requirements for an Independent Audit Methodology and Independent Audit Report in the Independent Audit Post Approval Requirements (Department 2018).	Construction site inspection was conducted on 2 September 2020 by the auditor. No issues were raised during this inspection. It was agreed that audit report will be combined with this audit report. Another construction site inspection was conducted on 18 January 2021 and review of pre-operational requirements was conducted on 1 March 2021. This is the final construction audit prior to the development operations as per the IAPAR 2020.		

Audit Compliance Codes: C: Compliant NC: No-Compliant; NT: Not triggered

SSD Part No.	SSD Req. No.	SSD-8662-Mod-1 Requirement	Audit Evidence	Audit Findings / Recommendations	Compliance Rating
C	C19	In accordance with the specific requirements in the Independent Audit Post Approval Requirements (Department 2018), the Applicant must:	Audit Report 01 was posted on website and response to audit result was submitted to DPIE and acknowledgment receipt from DPIE on 29 July 2020.	Dicker Data to note to make this 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	Compliant
C	C19 (a)	review and respond to each Independent Audit Report prepared under condition C18 of this consent;			
C	C19 (b)	submit the response to the Department; and			
C	C19 (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.			

Audit Compliance Codes: C: Compliant NC: No-Compliant; NT: Not triggered

SSD Part No.	SSD Req. No.	SSD-8662-Mod-1 Requirement	Audit Evidence	Audit Findings / Recommendations	Compliance Rating
C	C20	<p>Monitoring and Environmental Audits 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.</p> <p><i>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.</i></p>	<p>As per the EMP, it is expected that the project will be audited within 3 months of commencing on site and approximately every 3-6 months. The relevant HSE Leader, in consultation with the project leadership team, will decide on the frequency, scope and timing of project/site audits. Monthly inspection was conducted instead of the audit. Records of inspections were provided. No monitoring requirements.</p> <p>Note that the commencement of construction was on 13 January 2020. Therefore, the audit is due to be conducted in April 2020. Due to Covid-19 restrictions this audit was push back on later date to be decided by Dicker Data and Contractor.</p> <p>The independent audit was conducted 4 months upon commencement of construction and the 2nd audit was conducted 5 months from the 1st audit. All environmental monitoring and audits were conducted as per the EMP and subplans.</p> <p>A total of 4 Independent Environmental Audits including this one, were conducted. There were no environmental incidents or complaints reported against the SSD.</p>		Compliant
C	C21	<p>ACCESS TO INFORMATION A site notice(s):</p>	Project website was developed.		Compliant
C	C21 (a)	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: make the following information and documents (as they are obtained or approved) publicly available on its website	<p>https://www.dickerdata.com.au/facility/238-258-captain-cook-drive-kurnell-development</p> <p>Sighted on Dicker Data website:</p> <ul style="list-style-type: none"> - EIS May 2018 - RtS (amended) September 2018 - Approved Conditions SSD 8662 		
C	C21 (a) (i)	the documents referred to in condition A2 of this consent;			

Audit Compliance Codes: C: Compliant NC: No-Compliant; NT: Not triggered

SSD Part No.	SSD Req. No.	SSD-8662-Mod-1 Requirement	Audit Evidence	Audit Findings / Recommendations	Compliance Rating
C	C21 (a) (ii)	all current statutory approvals for the development;	<ul style="list-style-type: none"> - CEMP + sub-plans including DPIE approval letter October 2019 - Site Plan and Staging Plan May 2018. It is noted that the development's construction and operation are not staged and is only separated as Early Works, Construction Works and Acceleration Lane Works. - Compliance and Monitoring Reports 2019 - Noise Impact Statement August 2018 - As per Community Consultation & Complaints Handling Management Plan posted on the website, a 24-hour telephone number will be displayed at the site entrance to provide a Communication Line where comments, concerns and complaints can be made by stakeholders and the public. All calls received to the communication line will be logged, tracked and responded to in a timely manner. There is a Contact Us menu also included on the website menu. - Complaints Register included; no complaints received - AQUAS Independent Environmental Audit Report <p>The documentation sighted on Dicker Data's website is up to date and in accordance with the conditions of consent. Rehabilitation and remediation documentation is included, and the relevant approvals have been put in place.</p>		
C	C21 (a) (iii)	all approved strategies, plans and programs required under the conditions of this consent;			
C	C21 (a) (iv)	the proposed staging plans for the development if the construction, operation or decommissioning of the development is to be staged;			
C	C21 (a) (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;			
C	C21 (a) (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;			
C	C21 (a) (vii)	a summary of the current stage and progress of the development;			
C	C21 (a) (viii)	contact details to enquire about the development or to make a complaint;			
C	C21 (a) (ix)	a complaints register, updated monthly;			
C	C21 (a) (x)	the Compliance Report of the development;			
C	C21 (a) (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;			

Audit Compliance Codes: C: Compliant NC: No-Compliant; NT: Not triggered

SSD Part No.	SSD Req. No.	SSD-8662-Mod-1 Requirement	Audit Evidence	Audit Findings / Recommendations	Compliance Rating
C	C21 (a) (xii)	any other matter required by the Planning Secretary; and			
C	C21 (b)	keep such information up to date, to the satisfaction of the Planning Secretary.			
APPENDIX 3 - APPLICANT'S MANAGEMENT AND MITIGATION MEASURES					
Appx 3	1	Communications Prior to Construction: The Proponent will appoint a communications manager who will be the point of contact for the community during construction.	APX3 ID1 Community Contact Information Sign 238 CCD. Brad Begley is the communication manager.		Compliant
Appx 3	2s	Construction Impacts Prior to Construction: The Proponent will develop a Construction Environmental Management Plan (CEMP) for the project	Construction Environmental Management Plan (CEMP) revision A 23/09/2019		Compliant
Appx 3	3	Aboriginal Heritage Prior to Construction: An <i>Aboriginal Cultural Heritage Management Plan</i> (ACHMP) would be prepared and implemented for the duration of construction	COAST ACHMP 238 CC Drive Kurnell FINAL 20Jun19 APX3 ID4 Coast Invoice CHH19-81 Kurnell 16Dec19 APX3 ID4 COAST Invoice CHH20-05 Kurnell 28Jan2020		Compliant
Appx 3	4	Aboriginal Heritage During Construction: 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	Included in the induction. All workers were aware about the restriction on aboriginal pad which was barricaded.		Compliant
Appx 3	5	Aboriginal Heritage During Operation: The unexpected finds protocol as detailed in the ACHMP would continue to be implemented during site operations.	Noted as per the LTEMP Version 3 dated 12 October 2020, Section 5.10 – Unexpected Finds Protocol and OEMP Version 3 dated 5 January 2021, Section 5.14.		Compliant

Audit Compliance Codes: C: Compliant NC: No-Compliant; NT: Not triggered

SSD Part No.	SSD Req. No.	SSD-8662-Mod-1 Requirement	Audit Evidence	Audit Findings / Recommendations	Compliance Rating
Appx 3	6	Aboriginal Heritage During Construction: 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.	COAST ACHMP 238 CC Drive Kurnell FINAL 20Jun19 APX3 ID4 Coast Invoice CHH19-81 Kurnell 16Dec19 APX3 ID4 COAST Invoice CHH20-05 Kurnell 28Jan2020		Compliant
Appx 3	7	Contamination During Construction: 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	Refer to condition B32-B37 LTEMP implemented in accordance with DPIE letter dated 5 November 2020 whereby following completion of the Site Audit Statement and Site Audit Report the LTEMP must be implemented. Sighted SAR dated 21 October 2019. DPIE provided response to SAR with advisory comments on 29 May 2020.		Compliant
Appx 3	8	Contamination Prior to Construction: 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.	Construction Environmental Management Plan (CEMP) revision A 23/09/2019		Compliant
Appx 3	9	Water Pollution During Operation: The Project will implement a stormwater management plan including measures to control and treat run-off and overflows in wet weather events.	Not yet triggered. The Stormwater Monitoring Plan is still being developed. However, the swale and overflow culvert were designed and constructed as per the Landscape Management Plan which was certified by the CA. Refer to photos for the actual site inspection.		Not Triggered
Appx 3	10	Biodiversity Construction: Landscaping works will be undertaken in accordance with the approved landscape drawings.	DICKER DATA OFFICE & WAREHOUSE DEVELOPMENT LANDSCAPE ARCHITECTURAL DEVELOPMENT APPLICATION Issue: G Date: 30.08.2018		Compliant

Audit Compliance Codes: C: Compliant NC: No-Compliant; NT: Not triggered

SSD Part No.	SSD Req. No.	SSD-8662-Mod-1 Requirement	Audit Evidence	Audit Findings / Recommendations	Compliance Rating
			Interim Occupation Certificate for SSD 8662 was issued on 30 July 2021 by Elite Certification associated with Modification Application SSD 8662- Mod -1 22 Dec 2020 including Landscaping works confirmed during site inspection. Refer to photos.		
Appx 3	11	Biodiversity During Construction: Install appropriate exclusion fencing around trees and vegetation to be retained.	Tree protection were implemented. All trees that need to be protected were fenced off and with "no access" signage as per previous site inspection.		Compliant
Appx 3	12	Biodiversity During Construction: Implement the recommended measures in Section 5.1 of the BDAR during construction.	238-258 Captain Cook Drive, Kurnell Biodiversity Development Assessment Report FINAL REPORT Prepared for DEVKON 22 February 2018 Section 5.1 controls were implemented as per previous site inspection.		Compliant
Appx 3	13	Biodiversity During Construction: Temporary infrastructure (plant sites and construction offices, access tracks, etc.) will be located in cleared areas away from vegetation to minimise vegetation removal.	Implemented based on the Design and Construction Certificates and as per previous site inspection.		Compliant
Appx 3	14	Bushfire During Construction and Operation: 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.	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 being were implemented. Recommended objectives have been adopted including occupant protection, separation widths and defensible spaces, separation emergency vehicle access/egress, ongoing management and maintenance, and adequate utility services. Refer to photos.		Compliant

Audit Compliance Codes: C: Compliant NC: No-Compliant; NT: Not triggered

SSD Part No.	SSD Req. No.	SSD-8662-Mod-1 Requirement	Audit Evidence	Audit Findings / Recommendations	Compliance Rating
Appx 3	15	Soils During Construction: The Construction Environmental Management Plan will include erosion and sedimentation plans that would be prepared and implemented during the construction program.	Included in CEMP as approved by DPIE letter dated 3/10/2019.		Compliant
Appx 3	16	Soils During Construction: Stabilised exposed surfaces as soon as practicable.	Exposed areas were watered down and haul road were stabilised.		Compliant
Appx 3	17	Groundwater During Construction: A groundwater extraction licence would be obtained should groundwater be required for construction and/or operational activities.	Not required. No groundwater extraction conducted on site.		Not Triggered
Appx 3	18	Noise and Vibration Prior to Construction: A Construction Environmental Management Plan would be implemented as part of construction.	CEMP and noise and vibration requirements were implemented.		Compliant
Appx 3	19	Visual Impact During Construction: External lighting designed to comply with Australian Standard AS4282, "Control of the Obtrusive Effects of Outdoor Lighting" Luminaires controlled to minimise light spill.	No night works.		Not Triggered
Appx 3	20	Ecologically Sustainable Development During Detailed Design: The following measures would be employed in detailed design to minimise consumption of resources, water and energy:	Ecological Design requirements were defined in the Design Report as appendix - APX3 ID20 Ecologically Sustainable Development. Specification of Hydraulic Services for Dicker Data Centre		Compliant
Appx 3	20	- Water efficient fixtures, fittings and practices;	- Solar panels were installed.		
Appx 3	20	- Energy and water efficient equipment;	- Electric car charging bays were installed.		
Appx 3	20	- Naturally ventilated spaces;	- Rainwater harvesting tanks installed.		
Appx 3	20	- Rainwater harvesting for irrigation and toilet flushing;	- Waste segregation bins were installed in every kitchen.		

Audit Compliance Codes: C: Compliant NC: No-Compliant; NT: Not triggered

SSD Part No.	SSD Req. No.	SSD-8662-Mod-1 Requirement	Audit Evidence	Audit Findings / Recommendations	Compliance Rating
Appx 3	20	- Solar panels to be installed subject to resolving fallout from aircraft issues;	Refer to photos.		
Appx 3	20	- Efficient building management systems and equipment, including lighting;			
Appx 3	20	- Passive design elements such as building orientation, external shading, appropriate use of thermal mass, performance glazing, thermal efficiency of building fabric.			
Appx 3	21	Flood Management During Operations: The Emergency Response Plan is to include procedures to be followed in the event of flood.	Refer to B19. Interim Occupation Certificate for SSD 8662 was issued on 30 July 2021 by Elite Certification associated with Modification Application SSD 8662- Mod -1 22 Dec 2020 including Flood Emergency Response Plan (Floodmit Pty Ltd, May 2019)		Compliant
APPENDIX 4 INCIDENT NOTIFICATION AND REPORTING REQUIREMENTS					
Appx 4	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.	Not Triggered. No reported incidents to date.		Not Triggered
Appx 4	2	Written notification of an incident must:	Not Triggered		Not Triggered
Appx 4	2 (a)	identify the development and application number;			
Appx 4	2 (b)	provide details of the incident (date, time, location, a brief description of what occurred and why it is classified as an incident);			

Audit Compliance Codes: C: Compliant NC: No-Compliant; NT: Not triggered

SSD Part No.	SSD Req. No.	SSD-8662-Mod-1 Requirement	Audit Evidence	Audit Findings / Recommendations	Compliance Rating
Appx 4	2 (c)	identify how the incident was detected;			
Appx 4	2 (d)	identify when the applicant became aware of the incident;			
Appx 4	2 (e)	identify any actual or potential non-compliance with conditions of consent;			
Appx 4	2 (f)	describe what immediate steps were taken in relation to the incident;			
Appx 4	2 (g)	identify further action(s) that will be taken in relation to the incident; and			
Appx 4	2 (h)	identify a project contact for further communication regarding the incident.			
Appx 4	3	INCIDENT REPORT REQUIREMENTS 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.	Not Triggered		Not Triggered
Appx 4	4	The Incident Report must include:	Not Triggered		Not Triggered
Appx 4	4 (a)	a summary of the incident;			
Appx 4	4 (b)	outcomes of an incident investigation, including identification of the cause of the incident;			
Appx 4	4 (c)	details of the corrective and preventative actions that have been, or will be, implemented to address the incident and prevent recurrence; and			
Appx 4	4 (d)	details of any communication with other stakeholders regarding the incident.			

Audit Compliance Codes: C: Compliant NC: No-Compliant; NT: Not triggered

Appendix D. Audit Photos – 13 September 2021



Photo 1 – Solar panels installed

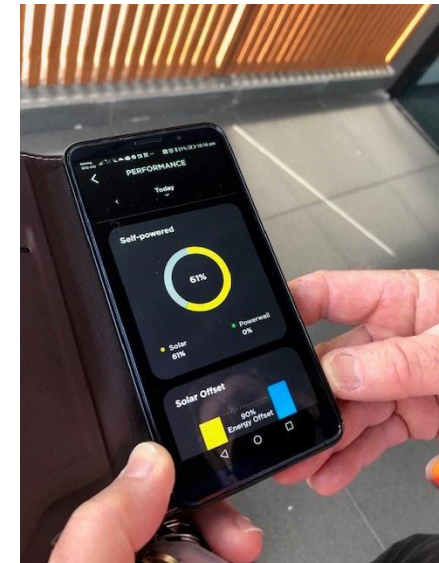
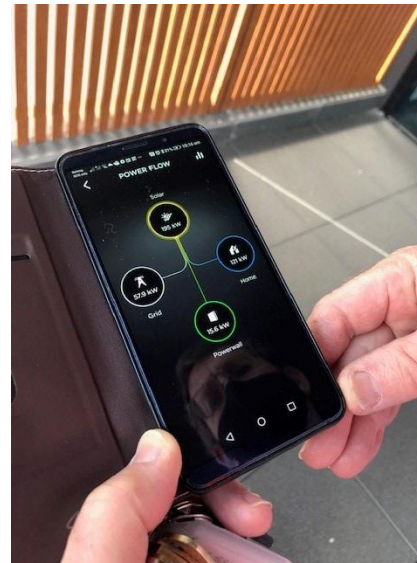


Photo 2 – Solar power flow reading and power offset performance



Photo 3 – Panoramic view of warehouse interior



Photo 4 – Panoramic view of warehouse exterior taken from delivery gate



Photo 5 – Panoramic view of car park



Photo 6 – Delivery entry gate. Water pooling delineated and control measures in place.



Photo 7 – Revegetation near main gate



Photo 8 – Panoramic view of revegetation and landscaping. Pathway was originally missed and in the process of being corrected as part of defect rectification.



Photo 9 – Continued preservation of Aboriginal heritage pad



Photo 10 – Outdoor seating areas



Photo 11 – Water tanks and landscaping



Photo 12 – Footbridge over stormwater area to recreational area



Photo 13 – Gas BBQ at recreational area with assisted solar powered battery



Photo 14 – Water catchment area



Photo 15 – Stormwater overflow system in place with permanent fencing



Photo 16 – Log piles retained to replace wildlife habitat



Photo 17 – Exterior waste segregation and collection



Photo 18 – Interior waste segregation for kitchen and printing areas



Photo 19 – Electric car charging bays installed and operational



Photo 20 – Disabled parking bays accessible to main entrance



Photo 21 – Implemented fire safety measures as recommended



Photo 22 – Main drive with appropriate access/egress and turning



Photo 23 – Bus stops adjacent to site with signage



Photo 24 – Taken from bus stop showing marked cycle lane and pedestrian refuge adjacent to site perimeter fencing

Appendix E. Consultation Records

DPIE

Tungol, Annabelle

From: Maria Divis <Maria.Divis@planning.nsw.gov.au>
Sent: Wednesday, 8 September 2021 6:36 AM
To: Tungol, Annabelle
Subject: RE: Independent Environmental Audit - Dicker Data Warehouse SSD 8662 - DPIE Consultation

Good morning Annabelle

Thank you for consulting with the Department in order to obtain input into the scope of the audit, in accordance with the Independent Audit Post Approval Requirements 2020 (IAPARs).

The Department has no specific areas of concern in relation to the project that need to be included within the scope of the audit. As discussed during our conversation yesterday, please ensure that the requirements of the Conditions of Consent and the IAPARs are satisfied in the submission. Please also ensure appropriate consultation with Local Council and any relevant agencies in undertaken.

For further enquiries, please contact me on the below details.

Kind regards,

Maria Divis
Senior Compliance Officer
NSW Department of Planning, Industry & Environment
T 02 8275 1156 | E maria.divis@planning.nsw.gov.au
4 Parramatta Square, 12 Darcy Street, PARRAMATTA NSW
www.dpie.nsw.gov.au

Please direct all submissions to: <https://www.planningportal.nsw.gov.au/major-projects/services>



**Planning,
Industry &
Environment**

The Department of Planning, Industry and Environment acknowledges that it stands on Aboriginal land. We acknowledge the traditional custodians of the land and we show our respect for elders past, present and emerging through thoughtful and collaborative approaches to our work, seeking to demonstrate our ongoing commitment to providing places in which Aboriginal people are included socially, culturally and economically.

From: Tungol, Annabelle <Annabelle.Tungol@aquas.com.au>
Sent: Friday, 3 September 2021 2:50 PM
To: Maria Divis <Maria.Divis@planning.nsw.gov.au>
Subject: Independent Environmental Audit - Dicker Data Warehouse SSD 8662 - DPIE Consultation

Hi Maria,

I am writing to advise that AQUAS will be conducting another independent environmental audit of the Dicker Data Warehouse Development, as a requirement of the Infrastructure Approval SSD 8662 and IAPAR 2020. The audit will be conducted on 13th September 2021 and this will include review of construction progress onsite and pre-operational requirements against SSD 8662.

As per the IAPAR 2020, audit will be conducted within 26 weeks from the previous audit. The last review was conducted on 1 March 2021. This audit must have been conducted in August 2021 but due to Covid Restrictions and my availability it was move back to 13 September 2021.

Sutherland Shire Council

Tungol, Annabelle

From: Tungol, Annabelle
Sent: Friday, 10 September 2021 12:51 PM
To: Leanne Mariani
Cc: Carolyn Howell; Slavco Bujaroski; Mary Ellen Trimble (maryellen.trimble@planning.nsw.gov.au); Pater, Barbara
Subject: 238-258 Captain Cook Kurnell Warehouse Development - SSD 8662 - Independent Environmental Audit - Consultation

Hi Leanne,

As per the requirement of DPIE Independent Audit Post Approval Requirements 2020, I need to consult with you regarding any feedback or concern on the development of 238-258 Captain Cook Kurnell Warehouse. Is there anything that Dicker Data needs to submit to Council prior to their full operations, or any concern you want me to focus on during this final construction audit prior to operations. The audit will be conducted on Monday, 13 September 2021. However, you can still provide your response within 2 weeks from today.

Your feedback is very much appreciated. Thank you.

Regards,

Annabelle Tungol | Senior Management Consultant | Environmental Representative | Lead Environmental Auditor | Quality Auditor
A Level 7, 116 Miller Street, North Sydney NSW 2060
T +61 2 9963 9908 | **F** +61 2 9954 1951 | **M** +61 438 850 943
E: annabelle.tungol@aquas.com.au | www.aquas.com.au |
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Appendix F. DPIE Advisory Letter – Compliance Reporting and Independent Environmental Audit Post Approval Requirements (PAR's)



To Whom it May Concern

BY EMAIL ONLY:

10 June 2020

Dear Sir/Madam,

**Compliance Reporting and Independent Environmental Audit
Post Approval Requirements (PAR's)**

In December 2018, the Department of Planning, Industry and Environment (Department) introduced the Compliance Reporting and Independent Environmental Audit Post Approval Requirement (PAR) documents to assist proponents of State Significant projects in providing a robust compliance-based oversight of their developments.

Following the introduction of the PAR's, there has been a strong message from proponents about the benefit of all PAR's.

However, the Department recognises that the extensive reporting required by the PAR's can be an impost, particularly for lower scale projects. Accordingly, we have revised the PAR's to reduce reporting obligations (please note some projects may still require reporting requirements in addition to the PAR's which would be conditioned accordingly).

The revised PAR's will work to support construction projects through reducing the demand on compliance reporting however the increase in frequency of independent auditing will ensure the environmental performance and regulatory compliance is maintained for each project.

In updating the Compliance Reporting PAR (2020), we have:

1. *Removed the requirement for an audit submission schedule*
2. *Revisited the required reporting frequency*
3. *Removed the pre-construction and pre-operation reporting requirement*
4. *Removed the construction reporting requirement*
5. *Require Compliance Reporting only for operation and decommissioning*

We have updated the Independent Audit PAR (2020) to:

1. *Remove the requirement for an audit submission schedule*
2. *Increase the frequency of independent auditing to offset the removal of pre- and during-construction reporting*
3. *Strengthen the wording around items such as evidence requirements*

The updated PAR's, along with fact sheets, are available from the Department's website at:

<https://www.planning.nsw.gov.au/Assess-and-Regulate/About-compliance/Compliance-policy-and-guidelines>



Approved, independent auditors on projects subject to independent environmental audit requirements can use this letter in responding to a non-conformance where a project has implemented the 2020 PARs when a condition requires compliance with the PAR (December 2018).

Should you have any questions relating to the revised PAR's or matters raised within this letter, please contact the undersigned on 9274 6306 or rob.sherry@planning.nsw.gov.au.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'R. Sherry'.

Rob Sherry
Acting Director – Compliance
Planning & Assessment

