

Development Consent

Section 4.38 of the *Environmental Planning and Assessment Act 1979*

As delegate of the Minister for Planning and Public Spaces under delegation executed on 9 March 2020, I approve the Development Application referred to in Schedule 1, subject to the conditions specified in Schedule 2.

These conditions are required to:

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

Anthea Sargeant
Executive Director
Regions, Industry and Key Sites

Sydney

14 July 2020

File: EF19/17436

The Department has prepared a consolidated version of the consent which is intended to include all modifications to the original determination instrument.

The consolidated version of the consent has been prepared by the Department with all due care. This consolidated version is intended to aid the consent holder by combining all consents relating to the original determination instrument but it does not relieve a consent holder of its obligation to be aware of and fully comply with all consent obligations as they are set out in the legal instruments, including the original determination instrument and all subsequent modification instruments.

SCHEDULE 1

Application Number:	SSD-10330
Applicant:	Canberra Data Centres Pty Ltd
Consent Authority:	Minister for Planning and Public Spaces
Site:	17 Roberts Road, Eastern Creek Lot 2 in DP 1159804
Development:	An expansion to an existing data centre, including associated office space, supporting infrastructure and services, car parking and landscaping

SUMMARY OF MODIFICATIONS

Application Number	Determination Date	Decider	Modification Description
SSD-10330-Mod-1	17 April 2024	A/Team Leader	Changes to Buildings 5 and 6

TABLE OF CONTENTS

DEFINITIONS	V
PART A ADMINISTRATIVE CONDITIONS	8
Obligation to Minimise Harm to the Environment	8
Terms of Consent	8
Limits of Consent	8
Notification of Commencement	9
Evidence of Consultation	9
Staging, Combining and Updating Strategies, Plans or Programs	9
Protection of Public Infrastructure	9
Structural Adequacy	9
Compliance	10
Operation of Plant and Equipment	10
External Walls and Cladding	10
Utilities and Services	10
Works as Executed Plans	10
Applicability of Guidelines	10
PART B SPECIFIC ENVIRONMENTAL CONDITIONS	11
Noise	11
Air Quality	12
Hazards and Risk	13
Soils, Water Quality and Hydrology	14
Contamination	14
Traffic and Access	15
Aboriginal Heritage	15
Historic Heritage	16
Biodiversity and Biosecurity	16
Visual Amenity	16
Waste Management	17
PART C ENVIRONMENTAL MANAGEMENT, REPORTING AND AUDITING	18
Environmental Management	18
Construction Environmental Management Plan	18
Back-up Generator Annual Report	18
Revision of Strategies, Plans and Programs	19
Reporting and Auditing	19
Access to Information	20
APPENDIX 1 DEVELOPMENT LAYOUT PLANS	21
APPENDIX 2 APPLICANT'S MANAGEMENT AND MITIGATION MEASURES	24
APPENDIX 3 INCIDENT NOTIFICATION AND REPORTING REQUIREMENTS	35

DEFINITIONS

Applicant	Canberra Data Centres Pty Ltd, or any person carrying out any development to which this consent applies
BCA	Building Code of Australia
BC Act	<i>Biodiversity Conservation Act 2016</i>
Calendar year	A period of 12 months commencing on 1 January
Carrier	Operator of a telecommunication network and/ or associated infrastructure, as defined in section 7 of the <i>Telecommunications Act 1997</i> (Cth)
CEMP	Construction Environmental Management Plan
Certifier	A council or an accredited certifier (including principal certifiers) who is authorised under section 6.5 of the EP&A Act to issue Part 6 certificates
Conditions of this consent	Conditions contained in Schedule 2 of this document
Construction	All physical works required to facilitate operation of the development including, but not limited to, demolition works, vegetation clearing, bulk earthworks, and the erection of buildings and other infrastructure permitted by this consent
Council	Blacktown City Council
Day	The period from 7:00 AM to 6:00 PM on Monday to Saturday, and 8:00 AM to 6:00 PM on Sundays and Public Holidays
Demolition	The deconstruction and removal of buildings, sheds and other structures on the site
Department	NSW Department of Planning, Industry and Environment
Development	The development described in the EIS and RTS, including the works and activities comprising the construction and 24-hour operation of an expansion to an existing data centre, as modified by the conditions of this consent
Development layout	The plans at Appendix 1 of this consent
Earthworks	Bulk earthworks, site levelling, import and compaction of fill material, excavation for installation of drainage and services, to prepare the site for construction
EES Group	Environment, Energy and Science Group (former Office of Environment and Heritage)
EIS	The document titled 'Environmental Impact Assessment –Data Centre at 17 Roberts Road, Eastern Creek' and all attachments, prepared by Urbis Pty Ltd, dated 22 November 2019, and submitted with the application for consent for the development
ENM	Excavated Natural Material
Environment	As defined in section 1.4 of the EP&A Act
EPA	NSW Environment Protection Authority
EPL	Environment Protection Licence under the POEO Act
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	Environmental Planning and Assessment Regulation 2000
Evening	The period from 6:00 PM to 10:00 PM
Fibre ready facility	As defined in section 372W of the <i>Telecommunications Act 1997</i> (Cth)
Heritage	Encompasses both Aboriginal and historic heritage including sites that predate European settlement, and a shared history since European settlement
Heritage item	An item as defined under the <i>Heritage Act 1977</i> , and assessed as being of local, State and/ or National heritage significance, and/or an Aboriginal Object or Aboriginal Place as defined under the <i>National Parks and Wildlife Act 1974</i> , the World Heritage List, or the National Heritage List or Commonwealth Heritage List under the <i>Environment Protection and Biodiversity Conservation Act 1999</i> (Cth), or anything identified as a heritage item under the conditions of this consent
Incident	An occurrence or set of circumstances that causes or threatens to cause material harm and which may or may not be or cause a non-compliance
Land	As defined in section 1.4 of the EP&A Act

Material harm	Is harm that: - involves actual or potential harm to the health or safety of human beings or to the environment that is not trivial, or - results in actual or potential loss or property damage of an amount, or amounts in aggregate, exceeding \$10,000, (such loss includes the reasonable costs and expenses that would be incurred in taking all reasonable and practicable measures to prevent, mitigate or make good harm to the environment)
Minister	NSW Minister for Planning and Public Spaces (or delegate)
Mitigation	Activities associated with reducing the impacts of the development prior to or during those impacts occurring
Modification Assessments	The document assessing the environmental impact of a proposed modification of this consent and any other information submitted with the following modification applications made under the EP&A Act: a) SSD-10330-Mod-1 – Section 4.55(1A) Application to Modify SSD-10330 Roberts Road Data Centre prepared by Urbis Pty Ltd (dated 24 November 2023), as amended by Response to Submissions Report prepared by Urbis Pty Ltd (dated 27 March 2024)
Monitoring	Any monitoring required under this consent must be undertaken in accordance with section 9.40 of the EP&A Act
Night	The period from 10:00 PM to 7:00 AM on Monday to Saturday, and 10:00 PM to 8:00 AM on Sundays and Public Holidays
Non-compliance	An occurrence, set of circumstances or development that is a breach of this consent
Operation	The use of the data centre (for the collection, storage, processing and/or distribution of electronic data), associated office and site infrastructure and testing of back-up generators, as described in the EIS and RTS
Planning Secretary	Planning Secretary under the EP&A Act, or nominee
POEO Act	<i>Protection of the Environment Operations Act 1997</i>
Power outage event	Mains power connector failure which prevents the development from being supplied with electricity from the national electricity grid
Principal Certifier	The certifier appointed as the principal certifier for the building work under section 6.6(1) of the EP&A Act.
Reasonable	Means applying judgement in arriving at a decision, taking into account: mitigation benefits, costs of mitigation versus benefits provided, community views, and the nature and extent of potential improvements
Registered Aboriginal Parties	Means the Aboriginal persons identified in accordance with the document entitled “ <i>Aboriginal cultural heritage consultation requirements for proponents 2010</i> ” (DECCW)
Rehabilitation	The restoration of land disturbed by the development to a good condition, to ensure it is safe, stable and non-polluting.
RTS	The Applicant's response to issues raised in submissions received in relation to the application for consent for the development under the EP&A Act, and includes: - the document titled ‘Roberts Road Data Centre (SSD-10330) – Response to Submissions’ and all attachments, prepared by Urbis Pty Ltd, dated 28 May 2020 - the email titled ‘RE: SSD-10330 - Submission of the RTS’ and all attachments, prepared by Urbis Pty Ltd, dated 3 June 2020 - the email titled ‘Eastern Creek Data Centre – Substation upgrade works confirmation’ and all attachments, prepared by Urbis Pty Ltd, dated 18 June 2020 - the document titled ‘Air Quality Impact Assessment – Eastern Creek Data Centre, 17 Roberts Road, Eastern Creek – SSD-10330’ and all attachments, prepared by SLR Consulting Australia Pty Ltd, dated 8 July 2020 - the email titled ‘RE: Fence’ and all attachments, prepared by Urbis Pty Ltd, dated 13 July 2020
Sensitive receivers	A location where people are likely to work, occupy or reside, including a dwelling, school, hospital, office or public recreational area
Site	The land defined in Appendix 1

UPS	Uninterruptable power supply
VENM	Virgin Excavated Natural Material
Waste	Has the same meaning as the definition of the term in the Dictionary to the POEO Act
Year	A period of 12 consecutive months

SCHEDULE 2

PART A ADMINISTRATIVE CONDITIONS

OBLIGATION TO MINIMISE HARM TO THE ENVIRONMENT

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

TERMS OF CONSENT

- A2. The development may only be carried out:
- (a) in compliance with the conditions of this consent;
 - (b) in accordance with all written directions of the Planning Secretary;
 - (c) in accordance with the **EIS, RTS and Modification Assessments**;
 - (d) in accordance with the Development Layout in Appendix 1; and
 - (e) in accordance with the management and mitigation measures in Appendix 2.
- A3. Consistent with the requirements in this consent, the Planning Secretary may make written directions to the Applicant in relation to:
- (a) the content of any strategy, study, system, plan, program, review, audit, notification, report or correspondence submitted under or otherwise made in relation to this consent, including those that are required to be, and have been, approved by the Planning Secretary; and
 - (b) the implementation of any actions or measures contained in any such document referred to in Condition A3(a).
- A4. The conditions of this consent and directions of the Planning Secretary prevail to the extent of any inconsistency, ambiguity or conflict between them and a document listed in conditions A2(c) or A2(e). In the event of an inconsistency, ambiguity or conflict between any of the documents listed in conditions A2(c) and A2(e), the most recent document prevails to the extent of the inconsistency, ambiguity or conflict.

Note: For the purposes of this condition, there will be an inconsistency between documents if it is not possible to comply with both documents, or in the case of a condition of consent or direction of the Planning Secretary, and a document, if it is not possible to comply with both the condition or direction, and the document.

LIMITS OF CONSENT

Lapsing

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

Back-up Generator System

- A6. The Applicant must install, maintain and operate an uninterruptable power supply (UPS) system, including back-up batteries, which is capable of powering critical components of the development for a period of not less than seven minutes.
- A7. The Applicant must ensure that the back-up generators installed and operated under this consent do not exceed a total installed generating capacity of more than 170 megawatts.
- A8. The Applicant must ensure:
- (a) operation of the back-up generators (including testing) does not exceed 200 hours per year; and
 - (b) the diesel fuel storage capacity of the site does not exceed 2,000 tonnes at any one time.

Note: For the purposes of Condition A8(a), calculation of how many hours the back-up generators are tested, as a collective, should be based on the hours (in real time) that testing is in fact undertaken at the site per year. For example, five generators being tested concurrently over the course of an hour would count as one hour towards the threshold stipulated by Condition A8(a), rather than five hours.

- A9. The Applicant must ensure that the back-up generators are only operated under the following circumstances:
- (a) for testing of the back-up generators:
 - (i) testing may only be carried out between 9:00 AM and 4:00 PM, Monday to Friday; and
 - (ii) no more than five (5) back-up generators are to be tested at any one time;
 - (b) during a power outage event, but only following the significant depletion of the back-up batteries contained within the development's UPS system (see Condition A6).

- A10. This development consent does not permit the use of the back-up generators:
- (a) for the purposes of generating electricity to be exported off-site; or
 - (b) to support load curtailment at the site.

NOTIFICATION OF COMMENCEMENT

- A11. The date of commencement of each of the following phases of the development must be notified to the Planning Secretary in writing, at least one month before that date, or as otherwise agreed with the Planning Secretary:
- (a) construction;
 - (b) operation; and
 - (c) cessation of operations.
- A12. If the construction or operation of the development is to be staged, the Planning Secretary 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, or as otherwise agreed with the Planning Secretary.
- A13. The commissioning and operation of the 12 back-up generators installed under Complying Development Certificate 5809/3 are excluded from the notification requirements outlined under conditions A11 and A12 of this consent.

EVIDENCE OF CONSULTATION

- A14. Where conditions of this consent require consultation with an identified party, the Applicant must:
- (a) consult with the relevant party prior to submitting the subject document to the Planning Secretary for approval; and
 - (b) provide details of the consultation undertaken including:
 - (i) the outcome of that consultation, matters resolved and unresolved; and
 - (ii) details of any disagreement remaining between the party consulted and the Applicant and how the Applicant has addressed the matters not resolved.

STAGING, COMBINING AND UPDATING STRATEGIES, PLANS OR PROGRAMS

- A15. With the approval of the Planning Secretary, the Applicant may:
- (a) prepare and submit any strategy, plan or program required by this consent on a staged basis (if a clear description is provided as to the specific stage and scope of the development to which the strategy, plan or program applies, the relationship of the stage to any future stages and the trigger for updating the strategy, plan or program);
 - (b) combine any strategy, plan or program required by this consent (if a clear relationship is demonstrated between the strategies, plans or programs that are proposed to be combined); and
 - (c) update any strategy, plan or program required by this consent (to ensure the strategies, plans and programs required under this consent are updated on a regular basis and incorporate additional measures or amendments to improve the environmental performance of the development).
- A16. 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.
- A17. If approved by the Planning Secretary, updated strategies, plans or programs supersede the previous versions of them and must be implemented in accordance with the condition that requires the strategy, plan or program.

PROTECTION OF PUBLIC INFRASTRUCTURE

- A18. Before the commencement of construction, the Applicant must consult with the relevant owner and/or 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.
- A19. Unless the Applicant and the applicable authority agree otherwise, the Applicant must:
- (a) repair, or pay the full costs associated with repairing, any public infrastructure that is damaged by carrying out the development; and
 - (b) relocate, or pay the full costs associated with relocating, any public infrastructure that needs to be relocated as a result of the development.

STRUCTURAL ADEQUACY

- A20. All new buildings and structures, and any alterations or additions to existing buildings and structures, that are part of the development, must be constructed in accordance with the relevant requirements of the BCA.

Note:

- Under Part 6 of the EP&A Act, the Applicant is required to obtain construction and occupation certificates for the proposed building works.
- Part 8 of the EP&A Regulation sets out the requirements for the certification of the development.

COMPLIANCE

A21. 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.

OPERATION OF PLANT AND EQUIPMENT

A22. All plant and equipment used on site, or to monitor the performance of the development must be:

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

EXTERNAL WALLS AND CLADDING

A23. The external walls of all buildings including additions to existing buildings must comply with the relevant requirements of the BCA.

A24. Before the issue of:

- (a) any Construction Certificate relating to the construction of external walls (including the installation of finishes and claddings such as synthetic or aluminium composite panels); and
- (b) an Occupation Certificate,

the Applicant must provide the Certifier 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.

A25. The Applicant must provide a copy of the documentation given to the Certifier to the Planning Secretary within seven days after the Certifier accepts it.

UTILITIES AND SERVICES

A26. Before the construction of any utility works associated with the development, the Applicant must obtain relevant approvals from service providers.

A27. Before the commencement of operation of the development, the Applicant must obtain a Compliance Certificate for water and sewerage infrastructure servicing of the site under section 73 of the *Sydney Water Act 1994*.

A28. Before the issue of a Construction Certificate for any stage of the development, the Applicant (whether or not a constitutional corporation) is to provide evidence, satisfactory to the Certifier, that arrangements have been made for:

- (a) the installation of fibre-ready facilities to the development to enable fibre to be readily connected; and
- (b) the provision of fixed-line telecommunications infrastructure in the fibre-ready facilities to the development demonstrated through an agreement with a carrier.

A29. Before the issue of an Occupation Certificate, the Applicant must demonstrate that the carrier has confirmed in writing they are satisfied that the fibre ready facilities are fit for purpose.

WORKS AS EXECUTED PLANS

A30. Before the issue of an 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 Principal Certifier.

APPLICABILITY OF GUIDELINES

A31. 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.

A32. However, consistent with the conditions of this consent and without altering any limits or criteria in this consent, the Planning Secretary may, when issuing directions under this consent in respect of ongoing monitoring and management obligations, require compliance with an updated or revised version of such a guideline, protocol, Standard or policy, or a replacement of them.

ADVISORY NOTES

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

PART B SPECIFIC ENVIRONMENTAL CONDITIONS

NOISE

Hours of Work

B1. The Applicant must comply with the hours detailed in Table 1.

Table 1 Hours of Work

Activity	Day	Time
Earthworks and construction	Monday – Friday Saturday	7:00 AM to 6:00 PM 8:00 AM to 1:00 PM
Operation	Monday – Sunday Public Holidays	24 hours

B2. Works outside of the hours identified in Condition B1 may be undertaken in the following circumstances:

- (a) works that are inaudible at the nearest sensitive receivers; or
- (b) works agreed to in writing by the Planning Secretary; or
- (c) for the delivery of materials required outside these hours by the NSW Police Force or other authorities for safety reasons; or
- (d) where it is required in an emergency to avoid the loss of lives, property or to prevent environmental harm.

Construction Noise Limits

B3. The development must be constructed to achieve the construction noise management levels detailed in *the Interim Construction Noise Guideline* (DECC, 2009) (as may be updated or replaced from time to time). All feasible and reasonable noise mitigation measures must be implemented and any activities that could exceed the construction noise management levels must be identified and managed in accordance with the management and mitigation measures in the Appendix 2.

Operational Noise Limits

B4. The Applicant must ensure that noise generated by the operation of the development does not exceed the noise limits in Table 2.

Table 2 Noise limits (dB(A))

	Day	Evening	Night	Night
Location	$L_{Aeq}(15 \text{ minute})$	$L_{Aeq}(15 \text{ minute})$	$L_{Aeq}(15 \text{ minute})$	L_{AFmax}
Any residential receiver in Horsley Park or Erskine Park	43	41	38	52

B5. The noise limits specified in Condition B4 apply under the meteorological conditions in Table 3.

Table 3 Meteorological conditions

Assessment Period	Meteorological Conditions
Day	Stability Categories A, B, C, D and E with wind speeds up to and including 3m/s at 10m above ground level.
Evening	Stability Categories A, B, C, D and E with wind speeds up to and including 3m/s at 10m above ground level.
Night	Stability Categories A, B, C, D and E with wind speeds up to and including 3m/s at 10m above ground level; or Stability category F with wind speeds up to and including 2m/s at 10m above ground level.

For those meteorological conditions not referred to in Table 3, the noise limits that apply are those specified in Condition B4 plus 5dB.

Attended Noise Compliance Monitoring

- B6. Attended noise compliance monitoring must be undertaken within three months of the completion of the final phase of the data centre building (described in the RTS as Phase E). The monitoring must be undertaken by a suitably qualified and experienced acoustic consultant at surrounding sensitive receivers (as described in the RTS) and must:
- (a) be undertaken under meteorological conditions in Table 3 in condition B5 above;
 - (b) occur when the development is operating in a manner typical of its normal operations, including back-up generator testing; and
 - (c) occur during the day, evening and night periods as defined in the *Noise Policy for Industry* (EPA, 2017) for a minimum of:
 - (i) 1.5 hours during the day;
 - (ii) 30 minutes during the evening; and
 - (iii) 1 hour during the night.

Noise Compliance Verification Report

- B7. A noise compliance verification report must be submitted to the EPA and the Planning Secretary within 30 days of the completion of the attended noise compliance monitoring required by Condition B6. The report must be prepared by a suitably qualified and experienced acoustic consultant and include:
- (a) demonstration that noise verification has been carried out in accordance with the latest version of:
 - (i) *AS 1055:2018 Acoustics – Description and measurement of environmental noise* (Standards Australia, 2018);
 - (ii) *Approved Methods for the Measurement and Analysis of Environmental Noise in NSW* (EPA, 2022); and
 - (iii) the monitoring and reporting requirements detailed in Section 7 of the *Noise Policy for Industry* (EPA, 2017);
 - (b) an analysis of the prevailing meteorological conditions and a demonstration that noise levels under meteorological conditions in Table 3 in condition B5 above have been evaluated;
 - (c) noise testing results of plant and equipment;
 - (d) an assessment of compliance with the noise limits specified in Condition B4, including consideration of any modifying factors as defined in Fact Sheet C of the *Noise Policy for Industry* (EPA, 2017);
 - (e) an outline of management actions taken to address any exceedances of the noise limits specified in Condition B4; and
 - (f) a description of contingency measures in the event management actions are not effective in reducing noise levels to an acceptable level.

AIR QUALITY

Dust Minimisation

- B8. The Applicant must take all reasonable steps to minimise dust generated during all works authorised by this consent.
- B9. During construction, the Applicant must ensure that:
- (a) exposed surfaces and stockpiles are suppressed by regular watering;
 - (b) all trucks entering or leaving the site with loads have their loads covered;
 - (c) trucks associated with the development do not track dirt onto the public road network;
 - (d) public roads used by these trucks are kept clean; and
 - (e) land stabilisation works are carried out progressively on site to minimise exposed surfaces.

Back-up Generator System

- B10. The Applicant must ensure that the design, installation and operation of the back-up generators and/or generator enclosures does not preclude the ability for air pollution emission controls to be retrofitted.

Emission Limits

- B11. The development must comply with section 128 of the POEO Act, which sets out the concentration standards and emission rates which must not be exceeded, except as expressly provided for in an EPL.

Annual Emission Testing

- B12. Within twelve (12) months of the commencement of operation, and every twelve (12) months thereafter, unless the Planning Secretary directs otherwise, the Applicant must conduct an annual emissions test on at least one (1) back-up generator for the pollutants and parameters identified in Table 4. The sampling methods are those contained in the *Approved Methods for the Sampling and Analysis of Air Pollutants in NSW* (EPA, 2007).

Table 4 Annual emissions testing requirements

Pollutant/Parameter	Units of measure	Frequency	Sampling Method
Nitrogen dioxide or nitric oxide (as NO ₂ equivalent)	Milligrams per cubic metre	Annual	TM-11
Temperature	Degrees Celsius (°C)	Annual	TM-2
Velocity	Metres per second	Annual	TM-2
Oxygen (O ₂)	Percent (%)	Annual	TM-25
Volumetric flow rate	Cubic metres per second	Annual	TM-2

HAZARDS AND RISK

Dangerous Goods

- B13. The quantities of dangerous goods stored and handled at the site must be below the threshold quantities listed in the *Hazardous and Offensive Development Application Guidelines – Applying SEPP 33* (DoP, 2011) at all times.
- B14. The Applicant must store all chemicals, fuels and oils used on-site in accordance with:
- the requirements of all relevant Australian Standards; and
 - the NSW EPA's *Storing and Handling of Liquids: Environmental Protection – Participants Manual* if the chemicals, fuels and oils are liquids.
- B14A. The Applicant must design and operate the development in accordance with:
- AS/NZS 4681:2000 *The storage and handling of Class 9 (miscellaneous) dangerous goods and articles* (Standards Australia, 2000);
 - AS IEC 62619:2017 *Secondary cells and batteries containing alkaline or other non-acid electrolytes – Safety requirements for secondary lithium cells and batteries, for use in industrial applications* (Standards Australia, 2017); and
 - AS 1940:2017 *The storage and handling of flammable and combustible liquids* (Standards Australia, 2017).
- B15. In the event of an inconsistency between the standards and requirements listed in B14 and B14A, the most stringent requirement must prevail to the extent of the inconsistency.

Bunding

- B16. The Applicant must store all chemicals, fuels and oils used on-site in appropriately banded areas in accordance with the requirements of all relevant Australian Standards, and/or EPA's *Storing and Handling of Liquids: Environmental Protection – Participants Manual* (Department of Environment and Climate Change, 2007).

Fire Engineering Brief

- B16A. Prior to the installation of fire safety measures for Buildings 5 and 6, the Applicant must prepare and submit a Fire Engineering Brief Questionnaire (FEBQ), including the additional scope of SSD-10330-Mod-1, to Fire and Rescue NSW (FRNSW).
- B16B. Prior to the installation of fire safety measures for Buildings 5 and 6, the Applicant must prepare and submit an Initial Fire Safety Report (IFSR) application, including the additional scope of SSD-10330-Mod-1, to FRNSW. The IFSR application is to include a Performance-based Design Report prepared in consultation with FRNSW as part of the FEBQ process. The IFSR application must:
- be prepared in accordance with FRNSW requirements;
 - consider the operational capability of local fire agencies and the need for the facility to achieve an adequate level of on-site fire and life safety independence;
 - specify that the final design of the fire safety systems shall comply with:
 - AS/NZS 4681:2000 *The storage and handling of Class 9 (miscellaneous) dangerous goods and articles* (Standards Australia, 2000);
 - AS IEC 62619:2017 *Secondary cells and batteries containing alkaline or other non-acid electrolytes – Safety requirements for secondary lithium cells and batteries, for use in industrial applications* (Standards Australia, 2017);
 - AS 1940:2017 *The storage and handling of flammable and combustible liquids* (Standards Australia, 2017); and
 - report on the outcome of consultation with FRNSW regarding the fire safety system's compliance with *Loss Prevention Data Sheet 5-32 – Data centres and related facilities* (FM Global Property, 2022).

In the event of an inconsistency between the requirements listed in subpoints (c)(i) to (c)(iii) above, the requirements as agreed to with FRNSW shall prevail to the extent of the inconsistency.

B16C. The Applicant must provide a copy of the outcome of the IFSR application, including details associated with the adoption of conditions recommended by FRNSW in accordance with the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*, to the Planning Secretary within seven days after receipt of FRNSW advice on the outcome of IFSR application.

Emergency Services Information Package

B16D. From the commencement of construction and for the life of the development, an Emergency Services Information Package, developed in accordance with the *FRNSW Fire Safety Guideline – Emergency Services Information Package and Tactical Fire Plans*, must be stored in an emergency information cabinet directly adjacent to the main entry point to the site.

SOILS, WATER QUALITY AND HYDROLOGY

Erosion and Sediment Control

B17. Prior to the commencement of any construction, the Applicant must install and maintain suitable erosion and sediment control measures on-site, in accordance with the relevant requirements of the *Managing Urban Stormwater: Soils and Construction - Volume 1: Blue Book* (Landcom, 2004) guideline and the Erosion and Sediment Control Plan included in the CEMP required by Condition C2.

Imported Soil

B18. The Applicant must:

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

Discharge Limits

B19. The development must comply with section 120 of the POEO Act, which prohibits the pollution of waters, except as expressly provided for in an EPL.

Stormwater Management System

B20. Prior to the commencement of operation, the Applicant must design, install and operate a stormwater management system for the development. The system must:

- (a) be designed by a suitably qualified and experienced person(s);
- (b) be designed in consultation with Council;
- (c) be generally in accordance with the conceptual design in the EIS;
- (d) be in accordance with applicable Australian Standards; and
- (e) ensure that the system capacity has been designed in accordance with *Australian Rainfall and Runoff* (Engineers Australia, 2016) and *Managing Urban Stormwater: Council Handbook* (EPA, 1997) guidelines.

CONTAMINATION

B21. Prior to the commencement of earthworks, the Applicant must prepare an unexpected contamination procedure to ensure that potentially contaminated material is appropriately managed. The procedure must form part of the CEMP in accordance with Condition C2 and must ensure any material identified as contaminated must be disposed off-site, with the disposal location and results of testing submitted to the Planning Secretary, prior to its removal from the site.

TRAFFIC AND ACCESS

Construction Traffic Management Plan

- B22. Prior to the commencement of construction, the Applicant must update the Construction Traffic Management Plan (CTMP) included in the EIS to the satisfaction of the Planning Secretary. The updated CTMP must form part of the development's Construction Environmental Management Plan (see Condition C2) and must:
- (a) be prepared by a suitably qualified and experienced person(s);
 - (b) detail the measures that are to be implemented to ensure road safety and network efficiency during construction;
 - (c) detail heavy vehicle routes, access and parking arrangements;
 - (d) include a Driver Code of Conduct to:
 - (i) minimise the impacts of earthworks and construction on the local and regional road network;
 - (ii) minimise conflicts with other road users;
 - (iii) minimise road traffic noise; and
 - (iv) ensure truck drivers use specified routes;
 - (e) include a program to monitor the effectiveness of these measures; and
 - (f) if necessary, detail procedures for notifying surrounding landowners of any potential disruptions to routes.
- B23. The Applicant must:
- (a) not commence construction of the development until the updated CTMP required by Condition B22 is approved by the Planning Secretary; and
 - (b) implement the most recent version of the CTMP approved by the Planning Secretary for the duration of construction.

Parking

- B24. The Applicant must provide sufficient parking facilities on-site, including for heavy vehicles and for site personnel, to ensure that traffic associated with the development does not utilise public and residential streets or public parking facilities.

Operating Conditions

- B25. The Applicant must ensure:
- (a) internal roads, driveways and parking (including grades, turn paths, sight distance requirements, aisle widths, aisle lengths and parking bay dimensions) associated with the development are constructed and maintained in accordance with the latest version of *AS 2890.1-2004: Parking facilities Off-street car parking* (Standards Australia, 2004) and *AS 2890.2-2018: Parking facilities Off-street commercial vehicle facilities* (Standards Australia, 2018);
 - (b) the swept path of the longest vehicle entering and exiting the site, as well as manoeuvrability through the site, is in accordance with the relevant AUSTROADS guidelines;
 - (c) the development does not result in any vehicles queuing on the public road network;
 - (d) heavy vehicles and bins associated with the development are not parked on local roads or footpaths in the vicinity of the site;
 - (e) all vehicles are wholly contained on site before being required to stop;
 - (f) all loading and unloading of materials is carried out on-site;
 - (g) all trucks entering or leaving the site with loads have their loads covered and do not track dirt onto the public road network; and
 - (h) the proposed turning areas in the car park are kept clear of any obstacles, including parked cars, at all times.

ABORIGINAL HERITAGE

Unexpected Finds Protocol

- B26. If any item or object of Aboriginal heritage significance is identified on site:
- (a) all work in the immediate vicinity of the suspected Aboriginal item or object must cease immediately;
 - (b) a 10 metre wide buffer area around the suspected item or object must be cordoned off; and
 - (c) the EES Group must be contacted immediately.
- B27. Work in the immediate vicinity of the Aboriginal item or object may only recommence in accordance with the provisions of Part 6 of the *National Parks and Wildlife Act 1974*.

HISTORIC HERITAGE

Unexpected Finds Protocol

- B28. 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 evaluated, recorded and, if necessary, excavated by a suitably qualified and experienced expert in accordance with the requirements of the NSW Department of Premier and Cabinet – Heritage Division.

BIODIVERSITY AND BIOSECURITY

Pre-clearing Works

- B29. Prior to the commencement of construction, the Applicant must clearly delineate areas to be cleared of vegetation for the construction of the data centre and its associated infrastructure.
- B30. All trees to be retained at the site must be protected in accordance with the latest version of AS 4970-2009: *Protection of trees on development sites* (Standards Australia, 2009).
- B31. Prior to the commencement of vegetation clearing works, the Applicant must engage an appropriately qualified ecologist to:
- (a) carry out pre-clearing surveys to identify any native fauna; and
 - (b) where necessary, implement procedures for the safe relocation of native fauna.

Biodiversity Offsets Scheme

- B32. Prior to any clearing of 'Forest Red Gum - Rough-barked Apple grassy woodland on alluvial flats of the Cumberland Plain (PCT 835)', or activities that have the potential to impact upon this plant community type, the Applicant must purchase and retire **ONE (1)** ecosystem credit to offset the removal/disturbance of 0.04 hectares of native vegetation at the site. The ecosystem credit must be retired in accordance with the requirements of the EES Group's Biodiversity Offsets Scheme and the *Biodiversity Conservation Act 2016*.
- B33. The requirement to retire **ONE (1)** ecosystem credit (see Condition B32) may be satisfied by payment to the Biodiversity Conservation Fund of an amount equivalent to the number and classes of ecosystem credits, as calculated by the EES Group's Biodiversity Offsets Payment Calculator.
- B34. The Applicant must provide the Planning Secretary with evidence that:
- (a) the retirement of ecosystem credits has been completed (see Condition B32); or
 - (b) a payment has been made to the Biodiversity Conservation Fund (see Condition B33),
- prior to undertaking any clearing of PCT 835, or activities that have the potential to impact upon this plant community type.

Pests, Vermin and Noxious Weed Management

- B35. The Applicant must:
- (a) implement suitable measures to manage pests, vermin and weeds on the site; and
 - (b) inspect the site on a regular basis to ensure that these measures are working effectively, and that pests, vermin or weeds are not present on site in sufficient numbers to pose an environmental hazard, or cause the loss of amenity in the surrounding area.

Note: For the purposes of this condition, weeds include, but are not limited to, those species listed under Schedule 3 of the *Biosecurity Regulation 2017*.

VISUAL AMENITY

Landscaping

- B36. Prior to the commencement of operation, the Applicant must prepare a Landscape Management Plan (LMP) to manage the revegetation and landscaping works on-site. The plan must:
- (a) be submitted to the Planning Secretary;
 - (b) be consistent with the RTS and the Applicant's Management and Mitigation Measures (see Appendix 2);
 - (c) detail the species to be planted on-site; and
 - (d) describe the monitoring and maintenance measures to manage revegetation and landscaping works.
- B37. The Applicant must implement the most recent version of the LMP (see Condition B36) submitted to the Planning Secretary for the duration of the development.

Lighting

B38. The Applicant must ensure the lighting associated with the development:

- (a) complies with the latest version of *AS 4282-2019: Control of the obtrusive effects of outdoor lighting* (Standards Australia, 2019); and
- (b) is mounted, screened and directed in such a manner that it does not create a nuisance to surrounding properties or the public road network.

Signage

B39. Any signage associated with the development is to be subject to further approval.

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

Permanent Fencing

B40. All permanent fencing approved under this consent must be erected in accordance with the development plans included in the RTS.

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

WASTE MANAGEMENT

Waste Management Plan

B41. The Applicant must implement the Waste Management Plan (WMP) included in the RTS throughout the construction and operation of the development.

B42. Where revisions are made to the WMP required by Condition B41, the Applicant must ensure the revised plan:

- (a) is submitted to the Planning Secretary; and
- (b) continues to:
 - (i) detail the type and quantity of wastes to be generated during construction and operation of the development;
 - (ii) describe the handling, storage and disposal of all waste streams generated on site, consistent with the *Protection of the Environment Operations Act 1997*, *Protection of the Environment Operations (Waste) Regulation 2014* and the *Waste Classification Guideline* (DECCW, 2009); and
 - (iii) detail the materials to be reused or recycled, either on or off site.

The Applicant must implement the most recent version of the WMP submitted to the Planning Secretary for the duration of the development.

Waste Storage and Processing

B43. 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.

Statutory Requirements

B44. The Applicant must assess and classify all non-liquid wastes to be taken off site in accordance with the latest version of EPA's *Waste Classification Guidelines Part 1: Classifying Waste* (EPA, 2014) and dispose of all wastes to a facility that may lawfully accept the waste.

B45. Waste generated outside the site must not be received at the site for storage, treatment, processing, reprocessing, or disposal.

PART C ENVIRONMENTAL MANAGEMENT, REPORTING AND AUDITING

ENVIRONMENTAL MANAGEMENT

Management Plan Requirements

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

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

CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN

- C2. The Applicant must prepare a Construction Environmental Management Plan (CEMP) in accordance with the requirements of Condition C1 and to the satisfaction of the Planning Secretary.
- C3. As part of the CEMP required under Condition C2 of this consent, the Applicant must include the following:
- (a) updated Construction Traffic Management Plan (see Condition B22);
 - (b) a copy of the approved Waste Management Plan (see Condition B41);
 - (c) Erosion and Sediment Control Plan;
 - (d) Community Consultation and Complaints Handling.
- C4. The Applicant must:
- (a) not commence construction of the development until the CEMP required by Condition C2 is approved by the Planning Secretary; and
 - (b) implement the most recent version of the CEMP approved by the Planning Secretary for the duration of construction.

BACK-UP GENERATOR ANNUAL REPORT

- C5. Within three months after the first year of commencement of operation, and in the same month each subsequent year (or such other timing as agreed to in writing by the Planning Secretary), the Applicant must prepare a Back-up Generator Annual Report to the satisfaction of the Planning Secretary. The report must be submitted to the Planning Secretary and the EPA, and include:
- (a) an operations log for the back-up generators, detailing the date, time and duration of each use (including both testing and use during a power outage event); and
 - (b) details regarding the:
 - (i) total number of hours the back-up generators were operated for (see Condition A8(a));
 - (ii) total quantity of diesel fuel used by the back-up generators;
 - (iii) results of the annual emissions testing (see Condition B12); and
 - (iv) development's compliance with section 128 of the POEO Act (see Condition B11).

REVISION OF STRATEGIES, PLANS AND PROGRAMS

- C6. Within three months of:
- (a) the submission of an incident report under Condition C8; or
 - (b) the approval of any modification of the conditions of this consent; or
 - (c) 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, and the Planning Secretary must be notified in writing that a review is being carried out.
- C7. If necessary to either improve the environmental performance of the development, cater for a modification or comply with a direction, the strategies, plans and programs required under this consent must be revised, to the satisfaction of the Planning Secretary. Where revisions are required, the revised document must be submitted to the Planning Secretary for approval within six weeks of the review.

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

REPORTING AND AUDITING

Incident Notification, Reporting and Response

- C8. The Planning Secretary must be notified in writing via the Major Projects website immediately after the Applicant becomes aware of an incident. The notification must identify the development (including the development application number, SSD-10330) and set out the location and nature of the incident. Subsequent notification must be given and reports submitted in accordance with the requirements set out in Appendix 3.

Back-up Generator Incident Reporting

- C9. Within 30 days of the back-up generator system being used to power the development, the Applicant must prepare a Back-up Generator Incident Report to the satisfaction of the Planning Secretary. The report must be submitted to the Planning Secretary and the EPA, and include:
- (a) details regarding the:
 - (i) date and time of the power outage event;
 - (ii) total number of back-up generators used to power the development;
 - (iii) total number of hours the back-up generators were operated for;
 - (iv) total quantity of diesel fuel used by the back-up generators; and
 - (v) total amount of electricity produced by the back-up generators;
 - (b) an assessment of any air quality impacts resulting from the operation of the back-up generators; and
 - (c) an assessment and consideration of any additional measures which could be implemented to reduce future air quality impacts.

Note: *Additional measures could include, but are not limited to, measures to reduce the likelihood of the back-up generators being operated and retrofitting of emission controls to the back-up generators.*

Non-Compliance Notification

- C10. The Planning Secretary must be notified in writing via the Major Projects website within seven days after the Applicant becomes aware of any non-compliance.
- C11. A non-compliance notification (see Condition C10) must:
- (a) identify the development (including the development application number, SSD-10330);
 - (b) set out the condition of consent that the development is non-compliant with and the way in which it does not comply;
 - (c) set out the reasons for the non-compliance (if known); and
 - (d) what actions have been, or will be, undertaken to address the non-compliance.
- C12. A non-compliance which has been notified as an incident (see Condition C8) does not need to also be notified as a non-compliance.

Monitoring and Environmental Audits

- C13. 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 and independent environmental auditing.

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

ACCESS TO INFORMATION

- C14. At least 48 hours before the commencement of construction until the completion of all construction works under this consent, the Applicant must:

- (a) make the following information and documents (as they are obtained or approved) publicly available on its website:
 - (i) the documents referred to in Condition A2 of this consent and the final layout plans for the development;
 - (ii) all current statutory approvals for the development;
 - (iii) all approved strategies, plans and programs required under the conditions of this consent;
 - (iv) a summary of the current stage and progress of the development;
 - (v) contact details to enquire about the development or to make a complaint;
 - (vi) a complaint register, updated monthly;
 - (vii) any other matter required by the Planning Secretary; and
- (b) keep such information up to date, to the satisfaction of the Planning Secretary.

APPENDIX 1 DEVELOPMENT LAYOUT PLANS

JOB NO.	DRAWING NO.	REV	DATE	TITLE
Architectural Drawings prepared by EJE Architecture				
12706	DA-001	L	15/02/2024	Site Plan
12706	DA-100	J	15/02/2024	SSDA Ground Floor Plan
12706	DA-101	J	15/02/2024	SSDA Level 1 Plan
12706	DA-102	J	15/02/2024	SSDA -Level 2 Plan
12706	DA-103	J	15/02/2024	SSDA -Level 3 Plan
12706	DA-104	M	15/02/2024	SSDA Roof Plan
12706	DA-200	L	15/02/2024	Elevations
12706	DA-300	L	15/02/2024	Sections
12706	DA-501	C	16/04/2020	Security Booth
12706	DA-502	B	10/10/2019	Store
12706	DA-800	D	01/07/2020	Phasing Plan
Landscape Plans prepared by Terras Landscape Architects				
12706	L01	F	07/4/2020	Landscape Masterplan – Overall
12706	L02	F	07/4/2020	Landscape Masterplan A
12706	L03	F	07/4/2020	Landscape Masterplan B
12706	L04	C	22/10/2019	Section A
12706	L06	F	07/4/2020	Planting Palette
Civil Engineering Plans prepared by C&M Consulting Engineers				
02140	E3DA-100	02	22/10/2019	Cover Sheet, Drawing Index, General Notes & Locality Sketch
02140	E3DA-110	02	22/10/2019	Site Layout Plan
02140	E3DA-201	03	22/10/2019	General Arrangement – Sheet 01
02140	E3DA-202	03	22/10/2019	General Arrangement – Sheet 02
02140	E3DA-231	02	21/10/2019	Bulk Earthworks Cut/Fill Plan
02140	E3DA-351	02	22/10/2019	Site Sections – Sheet 1
02140	E3DA-701	02	22/10/2019	Sediment and Erosion Control Details
02140	E3DA-702	02	22/10/2019	Sediment and Erosion Control Plan
Substation Plan prepared by Ausconnex				
-	RR-C-G003	C	11/06/2020	Roberts Road Zone Substation – Site Plan

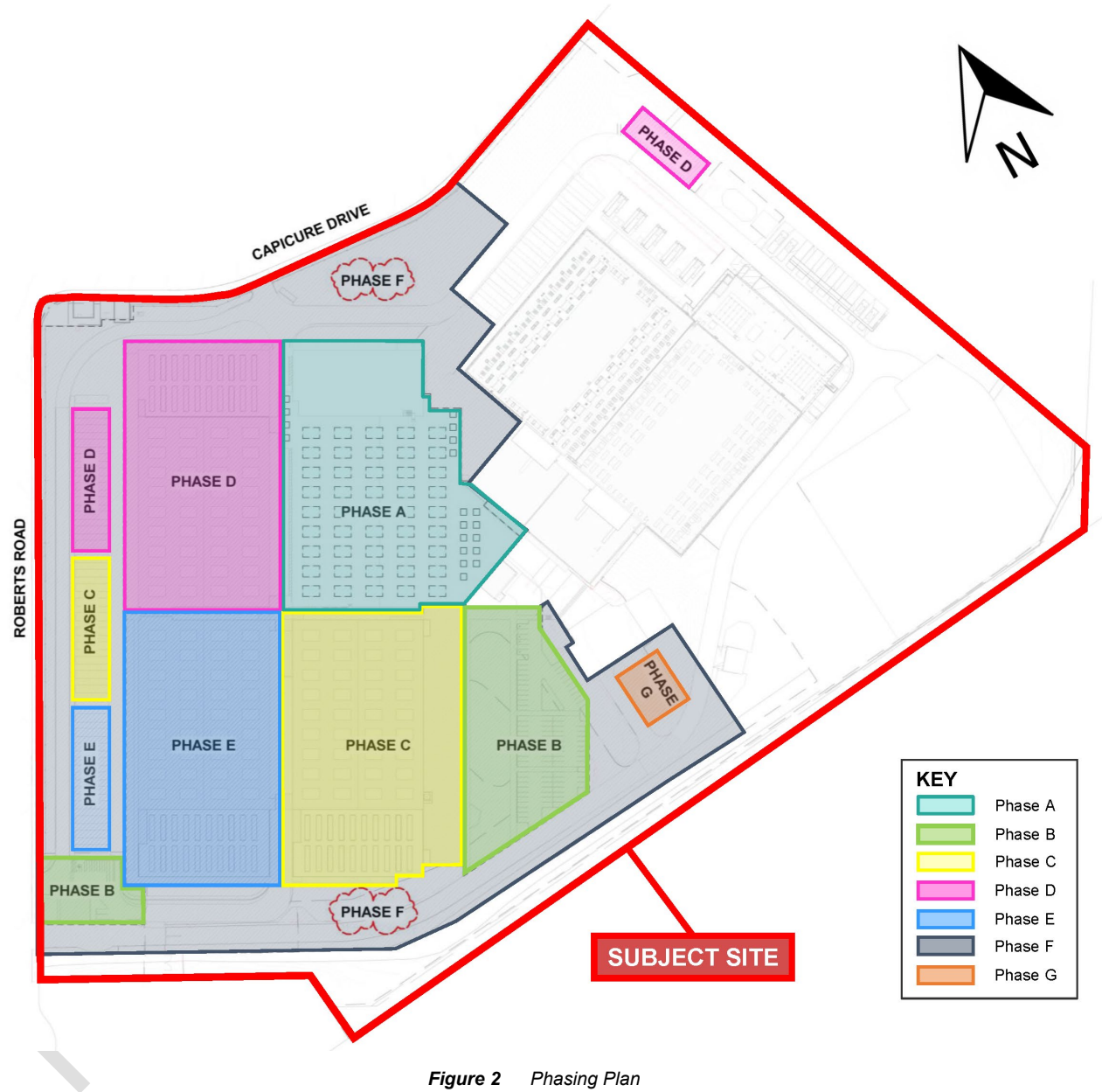


Figure 2 Phasing Plan

FOR INFORMATION

MITIGATION MEASURES

The measures identified to mitigate the potential environmental impacts of the proposed development are described in detail within Section 6 of the Environmental Impact Assessment dated 22 November 2019 and the Response to Submission Report dated 28 May 2020 and are summarised in the table below.

Table 5 Proposed Mitigation Measures

Impact	Potential Impact	Approach	Residual Impact
Noise and Vibration	During testing and maintenance of the generators, PNTLs has not been exceeded at nearby sensitive receivers including Flavex Lane at daytime and night time and under temperatures inversion, subject to noise mitigation measures being implemented. During emergency and power outage, the PNTLs at Flavex Lane have been exceeded by 1db(a) at night time and under temperature inversion. The PTNL for the commercial development to the north of the site is also exceeded by 3 db(a) under prevailing winds. These exceedances are minor. More importantly, EPA acknowledged in the submission letter that the operation of the diesel generators under an emergency and power outage scenario is unlikely to adverse impacts to surrounding noise-sensitive receivers and it is unreasonable to recommend time specific conditions for emergency use of the generators. Accordingly, we request that noise criteria do not apply during a power outage event, given the rarity of such an event occurring and the insignificant impact demonstrated above.	To meet the PNTLs during the testing and maintenance of the generators, noise mitigation measures identified in the Noise Impact Assessment prepared by Stantec Australia dated May 2020 should be implemented, which includes: - A solid acoustic barrier should be implemented in the design in the location shown in Figure 1 in the report, with height 3300mm above the FFL of the plant deck for Building 4. The performance of the solid acoustic barrier shall meet the minimum transmission loss values for each octave band centre frequency shown in Table 5 of the reprot. - An acoustic louvre should be implemented in the design in the location shown in Figure 1 of the reprot, with height 3300mm above the FFL of the plant deck for Building 4. The performance of the acoustic louvre shall meet the minimum transmission loss values for each octave band centre frequency shown in Table 5 of the report. The acoustic barrier and louvre have been incorporated in the updated Architectural Plan as shown on Roof Plan - DA-103 Rev. F and Elevation Plan - DA-200 ver. E. Proposed additional diesel generators are specified to have sound power levels no higher than the existing diesel generators on site. Proposed chillers for Buildings 5 and 6 are specified to have sound power levels for each octave band centre frequency no higher than levels identified in Appendix A – Equipment Data Sheets contained in the letter titled CDC – Eastern Creek 5 and 6	No identified residual impacts

Impact	Potential Impact	Approach	Residual Impact
		Height Modification, prepared by Stantec Australia dated 27 March 2024.	
Urban Design and Visual	The proposed 3m security fence will be visible from Roberts Road and Capicure Drive frontages. The roof of the proposed buildings will be partly visible from Capicure Drive. Overall, the visual impact rating is low in almost all viewing locations, as there is limited viewing potential and there are no residential or recreation areas in close proximity that would be impacted by the proposed development.	Generous landscaped setbacks have been provided to the Roberts Road and Capicure Drive frontages to provide visual screening of the proposed buildings and boundary security fence.	The proposed landscaping will take time to mature and provide for optimal visual screening. However, the potential visual impact will lessen over time as the vegetation becomes dense and extends above/ or at the same height as the height of the proposed boundary security fence.
Infrastructure Requirements	Existing electrical services will need to be augmented to power the operation of the new data centre halls.	It is envisaged that suitable connection assets will need to be established, which would include two Endeavour Energy's underground transmission feeders (132kV) from Sydney West BSP to the site. In addition, it will be necessary to establish new 132kV switching yard and associated Utility switch rooms within the site. The switching yard to consist of 5 off 132/11kV 35/45MVA transformers, 5 off 11kV switching rooms and associated auxiliary equipment, such as CT's and VT's, circuit breakers. HV reticulation to the three new buildings will be by means of underground cable (11kV). In addition, the proposal includes a total of 48 backup generators. The generators provided for supplying back-up/secondary power. The HV generators will housed in weatherproof canopies. The generators will be 3,500kVA data centre rated generators.	No identified residual impacts.
Traffic, access and transport	Impacts on road network from construction phase.	Implement Preliminary Construction Traffic Management Plan, as per Appendix A of Transport Assessment.	No identified residual impacts.

Impact	Potential Impact	Approach	Residual Impact
	Impact on key intersections as a result of operational traffic generation on the site.	Modelled intersections will continue to operate satisfactory. The proposed development would result in reduced traffic generation than that previously adopted in the strategic network modelling for the region.	
	Reduced demand for on street car parking spaces.	No mitigation is required, all parking demands can be accommodated within the site.	
	Operation of access and egress points to the site.	The existing and proposed site access points have been designed in compliance with the appropriate Australian Standard and would therefore operate safely and efficiently.	
Soils and Water	The proposal requires stormwater and water quality measures to manage hydrological processes and quality of downstream receiving waters	The proposed stormwater management system for the development includes: • A pit and pipe network to collect minor storm runoff from surface areas, which will minimise nuisance flooding; • Overland flow paths to carry major storms through and around the site without causing damage to property from flooding; • Connection to the existing site drainage system to utilise the two existing Rocla CDS GPTs on the site; • Rainwater harvesting from 2,500m² of roof area of each new building (10,000m² in total) to 175kl of rainwater storage for each new building (700kl in total). Harvested rainwater can be reused for landscape irrigation, toilet flushing, misting and mechanical systems. An 80% reduction in potable water usage can be achieved by harvesting rainwater from 2,500m² of each building roof and providing a minimum storage of 700kl for the harvested rainwater.	No identified residual impacts.

Impact	Potential Impact	Approach	Residual Impact
		The development will connect to the existing site drainage system and the two existing gross pollutant trap. Appropriate sediment and erosion control measures have been included in the engineering drawings to ensure downstream receiving waters are not adversely impacted by construction activities.	
Contamination	The development site is considered to have a low risk for potential contamination. It is concluded that the site is suitable for the proposed commercial/data centre development.	No remediation and mitigation approach proposed.	No identified residual impacts
Waste	The demolition and construction phases of the development will generate waste, which will need to be stored, handled and disposed in accordance with relevant guidelines. Risk associated with construction and operational waste is listed below: • Risk of fire spreading of green waste is low. • The risk of the spread of pest species attracted to food waste is low. • The risk of uncontrolled release or spill of hazardous non mineral waste materials during construction activities is medium. • Risk of potential for people to be in the vicinity of waste collection heavy vehicles and be injured by waste collection traffic is medium.	The Applicant to: • Implement the Waste Management Plan prepared by SLR dated May 2020. • Consider developing a fire management plan, with consideration for green waste management. • Implement appropriate segregation and signage for green waste. • Consider developing a site traffic management plan determining waste collection times and heavy vehicle traffic. • Implement appropriate signage for pedestrian traffic. • Provide and label appropriate waste storage containers in suitable numbers and locations for the collection and storage of putrescible waste. • Engage cleaners to undertake daily cleaning services at the site. • Assigning a member of staff to monitor the suitability, location and emptying of the containers at regular intervals.	No identified residual impacts.

Impact	Potential Impact	Approach	Residual Impact
	The risk of windblown litter and cosmetic impact is very low.	- Educate tenants and encourage good waste management practices.. - Ensure that Council or a private waste contractor is engaged for the collection of putrescible waste and disposal at a facility lawfully able to accept the material. - Consider developing a Construction Management Plan (CMP) detailing hazardous waste management during construction activities. - Properly store and maintain storage areas of construction waste in accordance with the WMP. - Consider engaging a qualified specialist for hazardous material management if hazardous material is discovered. - Ensure that a private waste contractor is engaged for the collection of hazardous waste and disposal at a facility lawfully able to accept the material.	
Air Quality	<u>Construction:</u> The demolition and construction phases may create annoyance due to dust position and visible dust plumes and/or elevated suspended particulate concentrations due to dust generating activities. The risk level for PM10 health impacts on nearby sensitive receptors from construction phase is very low. Dust soiling (nuisance) impacts on nearby receptors from construction phase is low. <u>Operation:</u>	Mitigation measures, including monitoring have been incorporated in the CMP and should be adopted to reduce the risks of air quality to a negligible level. In addition, the Air Quality Report prepared by SLR dated July 2020 identifies relevant mitigation measures by the IAQM methodology. Not all these measures would be practical or relevant, however a detailed review of the measures is recommended, and the most appropriate measures should also be adopted as part of the CMP. Undertaking routine maintenance of all generators and minimising storage of volatile chemicals on-site.	Dust soiling during construction is negligible.

Impact	Potential Impact	Approach	Residual Impact
	Potential air pollutants during operation are considered to be emissions associated with the combustion of fuel in backup generators which include: - carbon monoxide (CO) - oxides of nitrogen (NO_x) - PM₁₀ and PM_{2.5} - sulfur dioxide (SO₂) - volatile organic compounds (VOCs) - polycyclic aromatic hydrocarbons (PAHs). The dispersion modelling study, which accounted for the emergency conditions (all generators running) every hour of the year predicted no exceedances of the particulate, CO, SO₂ or PAH ambient air quality criteria. Exceedances of the NO₂ criterion were predicted at five of the receptors, however, it is clearly demonstrated that the likelihood of an exceedance occurring is virtually zero when considering the likelihood of 1) emergency conditions occurring, and 2) emergency conditions occurring during the necessary meteorological background air quality conditions. Given the low likelihood of the emergency conditions occurring for any extended period, assessment against annual-average criteria is deemed inappropriate. No exceedance of	Given the worst-case operating scenario modelled predicted compliance will all relevant air quality impact assessment criteria and the extremely low probability of the exceedances due to emergency conditions. Installation of pollution control devices on generators at this initial stage is not deemed necessary. However, Canberra Data Centres will ensure that retrofittable pollution control devices capable of significantly reducing pollutant levels from the generators are available. These may be installed at a later stage if change in circumstances mean generators require to be operated on a more frequent basis than has been assumed by this air quality impact assessment.	

Impact	Potential Impact	Approach	Residual Impact
	relevant annual-average criteria would be expected and therefore this was not considered further.		
Ecologically Sustainable Development	ESD measures are being considered to minimise consumption of resources; in particular, energy and water and reduce Greenhouse Gas Emissions. Sustainability strategies and credit requirements are being targeted for the development, which include adhering to pre-selected Green Star requirements to achieve an equivalent 4 Star Green Star (Best Practice) outcome without targeting formal certification.	The Sustainability Framework outlined in the Ecologically Sustainable Development Report should be incorporated during design, construction and ongoing operation of the proposal.	No identified residual impacts.
Climate risks	All high risk items related to weather-related risks will be mitigated by specific design responses. The high risks include: - Inundation of the rainwater collection systems (roof, guttering, pipework) leading to water flowing into building causing disruption to building systems (electrical and ITC). - Hail causes an inundation of rainwater collection systems (roof, guttering, pipework) leading to water flowing into building and damaging building fabric.	Mitigation measures for identified high risks should be incorporated in the final design and operation of the proposal: - It is assumed the hydraulics design will take into account the capacity of the stormwater system and pipework to accommodate for the increased likelihood and severity of extreme rainfall events. - It is assumed the hydraulics design will take into account rainfall design capacity of the stormwater system to accommodate for the increased likelihood and severity of extreme rainfall events; including mitigation of overflow caused by debris collection in the pipework.	No identified residual impacts.

Impact	Potential Impact	Approach	Residual Impact
Aboriginal Cultural Heritage	The ACHA has identified that zero Aboriginal heritage sites will be harmed by the proposed development. No further archaeological assessment is warranted for the study area.	If suspected Aboriginal objects, such as stone artefacts are located during future works, works must cease in the affected area and an archaeologist called in to assess the finds. If the finds are found to be Aboriginal objects, the DPIE must be notified under section 89A of the NPW Act. Appropriate management and avoidance or approval should then be sought if Aboriginal objects are to be moved or harmed. In the extremely unlikely event that human remains are found, works should immediately cease and the NSW Police should be contacted. If the remains are suspected to be Aboriginal, the DPIE may also be contacted at this time to assist in determining appropriate management. The ACHA should be submitted for registration on the AHIMS register within three months after the ACHA is completed.	No identified residual impacts.
Biodiversity	The potential impacts of the development on the biodiversity value of the site include the clearing of native vegetation to accommodate the proposed data centre.	Development is to adopt mitigation and management measures to minimise impacts on biodiversity values during construction and operation as identified in Table 14 and Table 15 of the Biodiversity Development Assessment Report prepared by SLR dated May 2020.	The residual impacts will be offset by direct purchase and retirement of one ecosystem credit or payment of \$19,993.96 (ex GST) into the Biodiversity Conservation Fund.
Tree Removal	It is proposed to remove five hundred and eighty-two (582) trees. This includes twenty (20) trees with a Retention Value of Consider for Retention, five hundred and forty-three (543) trees with a Retention Value of Consider for Removal and nineteen (19) trees with a Retention Value of Priority for Removal. Hundred and thirteen (413) trees are proposed to be retained. This includes two (2) trees with a	To mitigate the impact of tree removal, replacement tree should be installed to help off-set the loss of amenity and canopy cover from the tree removals. New tree planting should consider the recommendations stated in the Arborist Report The proposed street trees are consistent with the recommendations of Blacktown City Council.	The proposed street trees and internal trees will take time to mature. However, they represent the endemic species plantings recommend by the arborist report and the street tree species recommended by Blacktown City Council.

Impact	Potential Impact	Approach	Residual Impact
	Retention Value of Consider for Retention and four hundred and eleven (411) trees with a Retention Value of Consider for Removal.	Angophora floribunda is to be incorporated in the detailed landscape design plan to represent the endemic species recommended in the arborist report. To mitigate the impact of construction on the retained trees, establishment of fenced Tree Protection Zone (TPZ) areas is required. Tree protection fencing should be established as shown on the Site Plan attached at Appendix 2 of the Arboricultural Impact Assessment and Tree Protection Specification Report.	
Hazard and Risk	To ensure the facility can comply with applicable standards required by the Work Health and Safety Regulation 2017 and manage hazardous risk in relation to the diesel stored onsite .	• The diesel tank fill points shall be provided with impact protection. • Diesel tank fill points shall be provided with sign clearly identifying the location of the fill points. • The diesel tank shall be provided with high level monitoring and alarms per clause 5.3.3 of AS 1940-2017. • At least one power type extinguisher shall be accessible within 10m of the diesel tanks. • The hydrant system shall be able to provide at least 20L/s.	No identified residual impacts
Fire	To adopt fire safety strategies and ensure compliance with respect to fire safety.	The development should adopt the key fire safety strategies outlined within the Fire Compliance Report prepared by Lucid dated May 2020. A Fire Engineering Brief will be prepared in accordance with the <i>International Fire Engineering Guidelines 2005</i> (IFEG), detailing the proposed assessment parameters. This FEB will be accompanied by a Fire Engineering Brief Questionnaire (FEBQ) submission to Fire and Rescue NSW for review and comment Lucid will prepare a Fire Engineering Report (FER), detailing outcomes from the fire safety engineering completed to demonstrate acceptance of the proposed Performance Solutions.	No identified residual impacts

Impact	Potential Impact	Approach	Residual Impact
		The FER will incorporate comment and requirements from project stakeholders to ensure the solutions presented are to the satisfaction of the Principle Certifying Authority (PCA). Approval of the FER shall be obtained prior to issue of the Construction Certificate.	

FOR INFORMATION

APPENDIX 3 INCIDENT NOTIFICATION AND REPORTING REQUIREMENTS

WRITTEN INCIDENT NOTIFICATION REQUIREMENTS

1. A written incident notification addressing the requirements set out below must be submitted to the Planning Secretary via the Major Projects website 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 C8 or, having given such notification, subsequently forms the view that an incident has not occurred.
2. Written notification of an incident must:
 - a. identify the development and application number;
 - b. provide details of the incident (date, time, location, a brief description of what occurred and why it is classified as an incident);
 - c. identify how the incident was detected;
 - d. identify when the applicant became aware of the incident;
 - e. identify any actual or potential non-compliance with conditions of consent;
 - f. describe what immediate steps were taken in relation to the incident;
 - g. identify further action(s) that will be taken in relation to the incident; and
 - h. identify a project contact for further communication regarding the incident.
3. Within 30 days of the date on which the incident occurred or as otherwise agreed to by the Planning Secretary, the Applicant must provide the Planning Secretary and any relevant public authorities (as determined by the Planning Secretary) with a detailed report on the incident addressing all requirements below, and such further reports as may be requested.
4. The Incident Report must include:
 - a. a summary of the incident;
 - b. outcomes of an incident investigation, including identification of the cause of the incident;
 - c. details of the corrective and preventative actions that have been, or will be, implemented to address the incident and prevent recurrence; and
 - d. details of any communication with other stakeholders regarding the incident.