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 2022, 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

Joanna Bakopanos

A/Director, Industry Assessments

Sydney	9 October 2025	File: EF24/1723

SCHEDULE 1

Application Number:	SSD-67407231
Applicant:	EMKC Cubed Management Pty Ltd
Consent Authority:	Minister for Planning and Public Spaces
Site:	1 Apollo Place, Lane Cove West (SP 80721) and 1 Sirius Road, Lane Cove West (Lot 1 DP 1271404)
Development:	Construction and operation of a data centre with a power consumption of 45 megawatts, comprising diesel storage, back-up generators, car parking and ancillary office and amenities

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DEFINITIONS

Additional Information	Correspondence by the Applicant in response to the Department's request for information, including the document(s) titled: a) RFI Response Letter Apollo Place Data Centre (SSD-67407231), prepared by Willowtree Planning Pty Ltd and dated 19 June 2025; and b) Response to Request for Additional Information SSD-67407231 Apollo Place Data Centre, prepared by Willowtree Planning Pty Ltd and dated 14 July 2025
Applicant	EMKC Cubed Management Pty Ltd, or any person carrying out any development to which this consent applies
AQMP	Air Quality Management Plan
BCA	Building Code of Australia
BC Act	*Biodiversity Conservation Act 2016*
Carrier	Operator of a telecommunication network and/or associated infrastructure, as defined in section 7 of the *Telecommunications Act 1997* (Cth)
Certifier	A council or an accredited certifier (including principal certifiers) authorised under section 6.5 of the EP&A Act to issue Part 6 certificates
CEMP	Construction Environmental Management Plan
CNVMP	Construction Noise and Vibration Management Plan
Conditions of this consent	Conditions contained in Schedule 2 of this document
Construction	The carrying out of works for the purpose of the development, including bulk earthworks, and erection of buildings and other infrastructure permitted by this consent
Council	Lane Cove Council
CTMP	Construction Traffic Management Plan
Data Centre Campus	Includes both the development (SSD-67407231) and the Lane Cove West Data Centre (SSD-9741)
Day	The period from 7 am to 6 pm on Monday to Saturday, and 8 am to 6 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, Housing and Infrastructure (DPHI)
Development	The development described in Schedule 1, the EIS, Submissions Report and Additional Information, including the works and activities comprising the construction and operation of a 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
EIS	The Environmental Impact Statement titled *Environmental Impact Statement: Apollo Place Data Centre*, prepared by Willowtree Planning Pty Ltd and dated 17 September 2024, 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
EP&A Act	*Environmental Planning and Assessment Act 1979*
EP&A Regulation	Environmental Planning and Assessment Regulation 2021
Evening	The period from 6 pm to 10 pm
Fibre-ready facility	As defined in section 372W of the *Telecommunications Act 1997* (Cth)
FRNSW	Fire and Rescue NSW
FSS	Fire Safety Study

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 *Heritage Act 1977,* and assessed as being of local, State and/ or National heritage significance, and/or an Aboriginal Object or Aboriginal Place as defined under the *National Parks and Wildlife Act 1974'*, the World Heritage List, or the National Heritage List or Commonwealth Heritage List under the *Environment Protection and Biodiversity Conservation Act 1999* (Cth), or anything identified as a heritage item under the conditions of this consent
HPC	Housing and Productivity Contribution
ICNG	Interim Construction Noise Guideline (DECC, 2009)
Incident	An occurrence or set of circumstances that causes or threatens to cause material harm to the environment, and as a consequence of that environmental harm, may cause harm to the health and safety of human beings, and which may or may not be or cause a non-compliance ***Note:** "Material harm" is defined in this consent*
Land	Has the same meaning as the definition of the term in section 1.4 of the EP&A Act
Load curtailment	Means the use of the back-up generator system to reduce the development's use of electricity from the National Electricity Market, and does not include instances where load shedding is initiated by the Australian Energy Market Operator in accordance with the National Electricity Rules
Material harm	Is harm that: a) involves actual harm to the environment that may include (but not be limited to) a leak, spill, emission other escape or deposit of a substance, and as a consequence of that environmental harm (pollution), may cause harm to the health or safety of people; or b) results in actual 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) ***Note:** This definition excludes "harm" that is either authorised under this consent or any other statutory approval* ***Note:** For the purposes of this definition, material harm excludes incidents captured by Work Health and Safety reporting requirements*
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
Night	The period from 10 pm to 7 am on Monday to Saturday, and 10 pm to 8 am on Sundays and Public Holidays
Non-compliance	An occurrence, set of circumstances or development that is a breach of this consent
NPfI	Noise Policy for Industry (EPA, 2017)
OEMP	Operational Environmental Management Plan
Operation	The use of the site as a data centre, as described in the EIS, Submissions Report and Additional Information
Principal Certifier	The certifier appointed as the principal certifier for the building work under section 6.6(1) of the EP&A Act
Planning Secretary	Secretary of the Department, or delegate
POEO Act	*Protection of the Environment Operations Act 1997*
Power outage event	A sustained interruption to the site's connection to the National Electricity Market, which lasts for a period of more than 15 minutes
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
Rehabilitation	The restoration of land disturbed by the development to a good condition, to ensure it is safe, stable and non-polluting

Submissions Report	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 *Submissions Report: Apollo Place Data Centre*, prepared by Willowtree Planning Pty Ltd and dated 7 May 2025
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 Schedule 1 of this consent
TfNSW	Transport for New South Wales
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, Submissions Report and Additional Information;

(d) in accordance with the Development Layout in Appendix 1 of this consent; and

(e) in accordance with the management and mitigation measures in Appendix 2 of this consent.

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 condition A2(c) or A2(e). In the event of an inconsistency, ambiguity or conflict between any of the documents listed in condition A2(c) or A2(e), the most recent document prevails to the extent of the inconsistency, ambiguity or conflict.

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 ensure the back-up generators installed and operated under this consent do not exceed a total installed generating capacity of 63.8 megawatts.

A7. The Applicant must ensure that across the Data Centre Campus:

(a) operation of the back-up generators (including testing) does not exceed 200 hours per year in total;

(b) no more than one (1) generator is tested at any one time; and

(c) the diesel fuel storage capacity does not exceed 2,000 tonnes at any one time.

***Note**: For the purposes of condition A7, 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, two generators being tested concurrently over the course of an hour would count as one hour towards the threshold stipulated by condition A7 rather than two hours.*

A8. This development consent does not permit the use of the back-up generators:

(a) for the purpose of generating electricity to be distributed by the National Electricity Market; or

(b) to support load curtailment at the Data Centre Campus.

Demolition

A9. This development consent does not permit the carrying out of any demolition works at the site.

***Note:** Any demolition works are subject to further approval under the EP&A Act.*

NOTIFICATION OF COMMENCEMENT

A10. 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 to by the Planning Secretary):

(a) construction;

(b) operation;

(c) full operation of the development (described in the EIS as being when all data storage equipment and associated infrastructure is in place and operating); and

(d) cessation of operations.

A11. 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 (or other timeframe agreed with the Planning Secretary).

EVIDENCE OF CONSULTATION

A12. 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

A13. 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).

A14. 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.

A15. 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.

UTILITIES, SERVICES AND PUBLIC INFRASTRUCTURE

General Requirements

A16. Prior to the commencement of construction of the development, the Applicant must:

(a) consult with the relevant owner and provider of services or public infrastructure that are likely to be affected by the development or that need to be installed as part of the development, to make suitable arrangements for relevant approvals, access to, diversion, protection and support of the affected services or infrastructure;

(b) prepare a dilapidation report identifying the condition of all public infrastructure in the vicinity of the site (including roads, gutters and footpaths); and

(c) submit a copy of the dilapidation report to the Planning Secretary and Council.

A17. 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;

(b) relocate, or pay the full costs associated with relocating, any public infrastructure that needs to be relocated as a result of the development; and

(c) obtain any relevant approval(s) from the relevant service provider(s), prior to undertaking construction of the corresponding utility works.

Sydney Water

A18. Prior to the commencement of construction, the Applicant must obtain Building Plan Approval for the development from Sydney Water.

A19. Prior to the commencement of operation, 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*.

Fibre-Ready Facilities

A20. Prior to 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 all individual lots and/or premises in the development to enable fibre to be readily connected to any premises that is being or may be constructed on those lots; and

(b) the provision of fixed-line telecommunications infrastructure in the fibre-ready facilities to all individual lots and/or premises in the development demonstrated through an agreement with a carrier.

A21. Prior to the issue of an Occupation Certificate, the Applicant must demonstrate that the carrier has confirmed in writing it is satisfied that the fibre-ready facilities are fit-for-purpose.

STRUCTURAL ADEQUACY

A22. 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.*
- *The EP&A (Development Certification and Fire Safety) Regulation 2021 sets out the requirements for the certification of the development.*

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. Prior to 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 (see condition A24) to the Planning Secretary within seven days after the Certifier accepts it.

COMPLIANCE

A26. 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.

CONTRIBUTIONS TO COUNCIL

A27. Prior to the issue of a Construction Certificate for any part of the development, a contribution under section 7.11 of the EP&A Act of $546,544.60 (adjusted on a quarterly basis (from the date of this consent), to account for movements in the Australian Bureau of Statistics Consumer Price Index – Building Construction (NSW)), must be paid to Council for traffic management and street scape improvements, open space and recreation facilities, drainage, and community facilities, and in accordance with the Lane Cove Section 94 Contribution Plan.

Note: *This contribution is to be made in accordance with the Lane Cove Council Section 94 Contribution Plan and is based on a gross floor area of 9,328 m^2. The Plan may be inspected at the Lane Cove Council Civic Centre or on Council's website at http://www.lanecove.nsw.gov.au.*

HOUSING AND PRODUCTIVITY CONTRIBUTION

A28. Prior to the issue of a Construction Certificate for any part of the development, a housing and productivity contribution (HPC) in accordance with Table 1 must be paid for the development, as adjusted in accordance with condition A29.

Table 1 *Housing and Productivity Contribution Amount*

Housing and productivity contribution	Amount
Housing and productivity contribution (base component)	$151,287.31
Transport project component	$0
Total housing and productivity contribution	$151,287.31

A29. At the time of payment, the amount of the HPC is to be adjusted in accordance with the Environmental Planning and Assessment (Housing and Productivity Contributions) Order 2024 (HPC Order).

The HPC may be made wholly or partly as a non-monetary contribution (apart from any transport project component) if the Minister administering the EP&A Act agrees.

The HPC is not required to be made to the extent that a planning agreement excludes the application of Subdivision 4 of Division 7.1 of the EP&A Act to the development, or the HPC Order exempts the development from the contribution.

OPERATION OF PLANT AND EQUIPMENT

A30. 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.

WORK AS EXECUTED PLANS

A31. Prior to the issue of an Occupation Certificate, the Principal Certifier must be provided with work-as-executed drawings demonstrating that the following works have been constructed as approved:

(a) the development's stormwater management system (see condition B42); and

(b) finished ground levels.

The works-as-executed drawings must be signed by a registered surveyor.

APPLICABILITY OF GUIDELINES

A32. 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.

A33. 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.

AN2. In accordance with condition A13(b) of this consent, the Applicant may combine any strategy, plan or program required by this consent with those required under SSD-9741, provided a clear relationship is demonstrated between the documents being combined.

PART B SPECIFIC ENVIRONMENTAL CONDITIONS

NOISE AND VIBRATION

Hours of Work

B1. The Applicant must comply with the hours detailed in Table 2 below.

Table 2 *Hours of Work*

Activity		Day	Time
Construction		Monday – Friday Saturday	7 am to 6 pm 8 am to 1 pm
Operation	Back-up generator testing	Monday – Friday	7 am to 6 pm
	All other activities	Monday – Sunday	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;

(b) works agreed to in writing by the Planning Secretary;

(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, as far as feasible and reasonable, the construction noise management levels detailed in the ICNG. 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 Appendix 2 of this consent and the development's CNVMP (see condition B7).

Vibration Criteria

B4. Vibration caused by construction at any structure outside the site must be limited to:

(a) for structural damage, the latest version of *DIN 4150-3 (2016-12) Vibration in Buildings – Part 3: Effects on Structures* (German Institute for Standardisation, 2016) and *BS 7385-2 Evaluation and measurement for vibration in buildings Guide to damage levels from groundborne vibration* (British Standards Institution, 1993); and

(b) for human exposure, the acceptable vibration values set out in the *Environmental Noise Management Assessing Vibration: a technical guideline* (DEC, 2006) (as may be updated or replaced from time to time).

B5. Vibratory compactor, rock hammer or piling equipment must not be used closer than 30 metres from any structure at 5 Sirius Road (Lot 5 DP 241786), 7 Sirius Road (Lot 42 DP 571838), 9 Sirius Road (Lot 3 DP 241786) and 3 Apollo Place (Lot 8 DP 241877), unless vibration monitoring confirms compliance with the vibration criteria specified in condition B4.

B6. The limits in conditions B4 and B5 apply unless otherwise outlined in the development's CNVMP, approved as part of the CEMP required by condition C2 of this consent.

Construction Noise and Vibration Management Plan

B7. The Applicant must prepare a Construction Noise and Vibration Management Plan (CNVMP) for the development to the satisfaction of the Planning Secretary. The CNVMP must form part of the development's CEMP in accordance with condition C2 and must:

(a) be prepared by a suitably qualified and experienced noise expert;

(b) include evidence of consultation with TfNSW and Transurban;

(c) describe the procedures to:

(i) refine the construction methodology and work schedule to minimise construction noise and vibration impacts;

(ii) achieve the noise management levels in ICNG (as may be updated or replaced from time to time);

(iii) achieve the vibration criteria specified in condition B4; and

(iv) carry out noise and vibration monitoring, including details of the associated frequency/duration;

(d) include:

(i) a vibration trigger action response plan developed in consultation with TfNSW and Transurban;

(ii) management and mitigation measures, including any described in Appendix 2 of this consent;

(iii) a description of measures to be implemented to manage high noise or vibration generating works such as piling, rock breaking and vibratory compaction, in close proximity to sensitive receivers;

(iv) strategies that have been developed in consultation with the directly adjoining properties for managing noise and vibration impacts, such as any alternative construction methods with lower source intensity levels and provision for respite periods;

(v) a description of the community consultation undertaken to develop the strategies in (d)(iii) and (d)(iv) above; and

(vi) a complaints management system to be implemented for the duration of construction.

B8. The Applicant must:

(a) not commence construction of the development until the CNVMP required by condition B7 is approved by the Planning Secretary; and

(b) implement the most recent version of the CNVMP approved by the Planning Secretary for the duration of construction.

Lane Cove Tunnel Exhaust Structure

B9. Prior to the commencement of construction, the Applicant must, to the satisfaction of the Planning Secretary:

(a) provide engineering certification that demonstrates the stability of the rock (i.e. 'island or plinth') to be left between the existing structures and new below-ground structures is maintained;

(b) finalise the detailed design of the foundation;

(c) enter into an interface agreement, with LCT-MRE Pty Ltd, if deemed necessary by TfNSW or Transurban;

(d) undertake a pre-construction dilapidation report of the adjacent Lane Cove Tunnel exhaust structure; and

(e) install vibration monitoring equipment at the adjacent Lane Cove Tunnel exhaust structure.

Note: *The Applicant must consult with TfNSW and Transurban in relation to the matters listed in (a) to (e) above to ensure that the structural integrity and operation of the Lane Cove Tunnel infrastructure is maintained.*

B10. Prior to the commencement of operation, or as otherwise agreed to by the Planning Secretary, the Applicant must:

(a) undertake a post-construction dilapidation report of the adjacent Lane Cove Tunnel exhaust structure and submit to TfNSW and Transurban; and

(b) obtain written confirmation from TfNSW and Transurban that any required remedial works identified in the post-construction dilapidation report have been completed by the Applicant at no cost to TfNSW and/or Transurban.

Dilapidation Report – Private Land

B11. During the following phases of development:

(a) prior to the commencement of construction; and

(b) within one month of the conclusion of the construction works,

the Applicant must offer and prepare (if the offer is accepted) a pre-construction and post-construction dilapidation survey at the properties located at 7 Sirius Road (Lot 42 DP 571838), 9 Sirius Road (Lot 3 DP 241786) and 3 Apollo Place (Lot 8 DP 241877).

The surveys must be submitted to the Planning Secretary, Council and the property owner within seven days of being prepared.

B12. Should the survey at condition B11(b) identify any damage, the Applicant must discuss the repairs to be undertaken with the relevant property owners, and repair or pay the full costs associated with repairing any part of the building that is determined to be damaged by the carrying out of construction works associated with the development.

Operational Noise Limits

B13. The Applicant must ensure that noise generated by operation of the development does not exceed the noise limits in Table 3 below.

Table 3 *Noise Limits (dB(A))*

Location	Day $L_{Aeq(15\ minute)}$	Evening $L_{Aeq(15\ minute)}$	Night $L_{Aeq(15\ minute)}$
150 Epping Road, Lane Cove West	48	38	33

Location	Day $L_{Aeq(15\ minute)}$	Evening $L_{Aeq(15\ minute)}$	Night $L_{Aeq(15\ minute)}$
47 to 65 Magdala Road, North Ryde	40	32	26
Any residence to the west of Pittwater Road, East Ryde	39	30	25
7 Sirius Road, Lane Cove West	63 (When in use)		
5 Sirius Road, Lane Cove West	63 (When in use)		
1A Sirius Road, Lane Cove West	61 (When in use)		

The noise limits outlined in Table 3 above do not apply during a power outage event.

Note: *Noise generated by the development is to be measured in accordance with the relevant monitoring performance procedures and exemptions (including certain meteorological conditions) of the NSW Noise Policy for Industry (EPA, 2017).*

Façade Treatment

B14. Prior to the commencement of operation, the Applicant must prepare and submit, to the satisfaction of the Planning Secretary, an acoustic test report demonstrating the sound absorptive treatment applied to the façade of the development achieves a Noise Reduction Coefficient (NRC) of 0.90 or greater.

Operational Noise Verification Report

B15. Within three months of the commencement of full operation of the development (described in the EIS as being when all data storage equipment and associated infrastructure is in place and operating), or as otherwise directed by the Planning Secretary, the Applicant must prepare and submit a noise verification report for the development. The noise verification report must:

- (a) be prepared to the satisfaction of the Planning Secretary by a suitably qualified and experienced acoustic consultant;
- (b) demonstrate that noise verification has been carried out in accordance with:
  - (i) *Australian Standard AS 1055:2018 Acoustics – Description and measurement of environmental noise* (Standards Australia, 2018); and
  - (ii) *Approved Methods for the Measurement and Analysis of Environmental Noise in NSW* (EPA, 2022);
  - (iii) the monitoring and reporting requirements detailed in Section 7 of the NPfI;
- (c) include:
  - (i) noise measurements taken during general operation and during back-up generator testing;
  - (ii) details of the development's operating conditions at the time of monitoring and, if required, adjustments to measured noise levels to account for the development's maximum operating capacity;
  - (iii) an analysis of:
    - i. the prevailing meteorological conditions;
    - ii. applicable corrections for annoying noise characteristics (as per Fact Sheet C of the NPfI); and
    - iii. the development's compliance with noise limits specified in condition B13; and
  - (iv) a description of additional at-source and transmission pathway mitigation measures implemented, and/or a description of contingency measures to be implemented (including a timetable for the implementation of any required actions), to address any exceedance of the noise limits specified in condition B13.

AIR QUALITY

Dust Minimisation

B16. The Applicant must take all reasonable steps to minimise dust generated during all works authorised by this consent.

B17. During construction, the Applicant must ensure that:

- (a) exposed surfaces and stockpiles are suppressed by regular watering or other alternative suppression method;
- (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; and

(d) land stabilisation works are carried out progressively on site to minimise exposed surfaces.

Air Quality Discharges

B18. The Applicant must install and operate equipment in line with best practice to ensure that the development complies with all load limits, air quality criteria/air emission limits and air quality monitoring requirements as specified in the Protection of the Environment Operations (Clean Air) Regulation 2022.

Back-up Generator System

B19. The Applicant must ensure the design, installation and operation of the back-up generators and/or the associated enclosures do not preclude the ability for additional air pollution emission controls to be retrofitted.

Air Quality Management Plan

B20. Prior to the commencement of operation of the development, the Applicant must prepare an Air Quality Management Plan (AQMP) to the satisfaction of the Planning Secretary. The AQMP must form part of the OEMP required by condition C5 and must:

(a) be prepared by a suitably qualified and experienced person(s);

(b) detail and rank all emissions from all sources of the development, including particulate emissions;

(c) describe a program that is capable of evaluating the performance of the operation against the criteria in the *Approved Methods for Modelling and Assessment of Air Pollutants in NSW* (EPA, 2022) (The Approved Methods), including during a power outage event, and determining compliance with key performance indicators;

(d) identify any control measures that will be implemented for each emission source;

(e) outline the monitoring procedure/s which would be implemented during each power outage event; and

(f) include a Power Outage Notification Protocol (PONP) for the development that must:

(i) identify the neighbouring properties which would be notified should a power outage event last 30 minutes or more;

(ii) identify the trigger point(s) for notifying neighbouring properties that the back-up generator system is operating; and

(iii) detail how these properties would be made aware that the development's back-up generator system is required to operate for the duration of the power outage event.

B21. The Applicant must:

(a) not commence operation until the AQMP required by condition B20 is approved by the Planning Secretary; and

(b) implement the most recent version of the AQMP approved by the Planning Secretary for the duration of the development.

Odour Management

B22. The Applicant must ensure the development does not cause or permit the emission of any offensive odour (as defined in the POEO Act).

TRAFFIC AND ACCESS

Roadworks and Access

B23. Prior to the commencement of operation, the Applicant must ensure the removal of vehicle crossings off Apollo Place and the undertaking of any other works in a public road reserve are completed in accordance with the specifications of the relevant roads authority and any approval required under section 138 of the *Roads Act 1993*.

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 operation of the development does not utilise (for parking purposes) public roads or public parking facilities in the vicinity of the site.

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), *AS 2890.2:2018 Parking facilities Off-street Commercial Vehicle Facilities* (Standards

Australia, 2018) and *AS 2890.6.2009 Parking facilities Off-street parking for people with disabilities* (Standards Australia, 2009);

(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) heavy vehicles, equipment and bins associated with the development are not parked and/or stored on public roads or footpaths in the vicinity of the site;

(d) all vehicles are wholly contained on site before being required by the Applicant to stop;

(e) all loading and unloading of materials is carried out on-site; and

(f) all on-site turning areas are kept clear of any obstacles, including parked vehicles, at all times.

Construction Traffic Management Plan

B26. 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 plan must form part of the CEMP required by condition C2 and must:

(a) be prepared by a suitably qualified and experienced person(s);

(b) be prepared in consultation with Council;

(c) detail the measures that are to be implemented to ensure road safety and network efficiency during construction;

(d) include detail of:

(i) heavy vehicle routes, access and parking arrangements;

(ii) strategies that would be implemented to minimise the number of construction workers who will drive to the site;

(iii) any potential overflow construction worker parking area(s) to be utilised;

(e) provide details of any oversized vehicles required for construction;

(f) provide details of traffic control measures (such as an escort or other suitable traffic control measure) to manage the movement of oversized vehicles along public roads;

(g) 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;

(h) include a program to monitor the effectiveness of these measures; and

(i) if necessary, detail procedures for notifying residents and surrounding businesses of any potential disruptions to routes.

B27. The Applicant must:

(a) not commence construction until the CTMP required by condition B26 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.

Workplace Travel Plan

B28. Prior to the commencement of operation of any part of the development, the Applicant must prepare a Workplace Travel Plan to encourage the use of sustainable and active transport options by operational staff. The Workplace Travel Plan must form part of the OEMP required by condition C5 and must:

(a) be submitted to the Planning Secretary;

(b) outline facilities and measures to promote sustainable transport usage, such as car share schemes and employee incentives; and

(c) describe pedestrian and bicycle linkages and end of trip facilities available on-site.

B29. The Applicant must:

(a) not commence operation until the Workplace Travel Plan required by condition B28 is submitted to the Planning Secretary; and

(b) implement the most recent version of the Workplace Travel Plan submitted to the Planning Secretary for the duration of the development.

HAZARDS AND RISK

Dangerous Goods

B30. The quantities of dangerous goods stored and handled at the site must be below the threshold quantities listed in the Department's *Hazardous and Offensive Development Application Guidelines – Applying SEPP 33* at all times.

B31. Dangerous goods, as defined by the Australian Dangerous Goods Code, must be stored and handled strictly in accordance with:

- (a) all relevant Australian Standards; and
- (b) for liquids:
  - (i) a minimum bund volume requirement of 110% of the volume of the largest single stored volume within the bund; and
  - (ii) the NSW EPA's *Storing and Handling of Liquids: Environmental Protection – Participants Manual*.

B32. In the event of an inconsistency between the requirements of conditions B31(a) and B31(b), the most stringent requirement must prevail to the extent of the inconsistency.

Fire Safety Study

B33. At least one month prior to the commencement of construction of the development (except for construction of those preliminary works that are outside the scope of the hazard studies), or within such further period as the Planning Secretary may agree, the Applicant must prepare and submit, for the approval of the Planning Secretary, a Fire Safety Study (FSS) for the Data Centre Campus. The FSS must:

- (a) meet the operational requirements of Fire and Rescue NSW;
- (b) address the relevant aspects of:
  - (i) *Hazardous Industry Planning Advisory Paper No. 2, 'Fire safety study guidelines*' (DoP, 2011); and
  - (ii) *Best practice guidelines for contaminated water retention and treatment systems* (NSW HMPCC, 1994);
- (c) consider the operational capability of local fire agencies and the need for the Data Centre Campus to achieve an adequate level of on-site fire and life safety independence;
- (d) verify the final design of the fire safety systems for the Data Centre Campus complies with:
  - (i) *AS/NZS 4681:2000 The storage and handling of Class 9 (miscellaneous) dangerous goods and articles* (Standards Australia, 2000);
  - (ii) *IEC 62619:2022 Secondary cells and batteries containing alkaline or other non-acid electrolytes – Safety requirements for secondary lithium cells and batteries, for use in industrial applications* (IEC, 2022); and
  - (iii) *AS 1940:2017 The storage and handling of flammable and combustible liquids* (Standards Australia, 2017);
- (e) consult with FRNSW 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); and
- (f) include FRNSW's correspondence stating that the FSS has been prepared to their satisfaction.

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

B34. The Applicant must not commence construction of the development (except for construction of preliminary works that are outside the scope of the fire-related reports or studies) until the FSS required by condition B33 has been approved by FRNSW and the Planning Secretary.

Emergency Plan

B35. At least two months prior to the commencement of commissioning of the development, or within such further period as the Planning Secretary may agree, the Applicant must submit a comprehensive Emergency Plan and detailed emergency procedures for the Data Centre Campus to the Planning Secretary and FRNSW. The Emergency Plan must include consideration of the safety of all people outside of the development who may be at risk from the development. The plan must be prepared in accordance with the Department's *Hazardous Industry Planning Advisory Paper No. 1, 'Emergency Planning*' (DoP, 2011).

Emergency Services Information Package

B36. From the commencement of operation and for the life of the development, an Emergency Services Information Package for the Data Centre Campus, developed in accordance with the FRNSW *Fire Safety Guideline – Emergency Services Information Package and Tactical Fire Plans* (FRNSW, 2019), must be stored in an emergency information cabinet directly adjacent to the main entry point to the site.

BUSHFIRE MANAGEMENT

Bush Fire Emergency Management

B37. Prior to the commencement of operation, the Applicant must prepare and implement a Bush Fire Emergency Management and Evacuation Plan for the development, which is consistent with the requirements of *Development Planning – A Guide to Developing a Bush Fire Emergency Management and Evacuation Plan* (RFS, 2014).

SOILS, WATER QUALITY AND HYDROLOGY

Imported Soil

B38. The Applicant must:

- (a) ensure that only VENM, ENM, or other material approved in writing by EPA is brought onto the site for use as fill;
- (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.

Erosion and Sediment Control

B39. Prior to the commencement of any construction, the Applicant must install 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.

B40. The Applicant must maintain the erosion and sediment control measures installed on-site in accordance with condition B39 for the duration of construction.

Discharge Limits

B41. The development must comply with section 120 of the POEO Act, which prohibits the pollution of waters, except as expressly provided for in an Environment Protection Licence or in accordance with any applicable regulations under the POEO Act.

Stormwater Management System

B42. Prior to the commencement of construction of the development's stormwater management system, the Applicant must finalise the system's detailed design. The final stormwater management 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 and Submissions Report;
- (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.

B43. Prior to the commencement of operation, the Applicant must install the stormwater management system in accordance with the finalised detailed design (as required by condition B42) and ensure the system is operational.

B44. The Applicant must maintain the stormwater management system installed on the site under condition B43 for the duration of operation of the development.

ABORIGINAL HERITAGE

Unexpected Finds Protocol

B45. 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 m wide buffer area around the suspected item or object must be cordoned off; and
- (c) Heritage NSW must be contacted immediately.

B46. 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*.

NON-ABORIGINAL HERITAGE

Unexpected Finds Protocol

B47. If any non-Aboriginal archaeological relics are uncovered during any works being carried out for the development:

- (a) all work in the immediate vicinity of the suspected relic(s) must cease immediately;
- (b) Heritage NSW must be contacted immediately; and

(c) the suspected relic(s) must be evaluated, recorded and, if necessary, excavated by a suitably qualified and experienced expert in accordance with the requirements of Heritage NSW.

B48. Work in the immediate vicinity of any suspected non-Aboriginal archaeological relic(s) must not recommence until this has been authorised by Heritage NSW.

BIODIVERSITY

Biodiversity Offset

B49. Prior to any clearing or construction works for the development, the Applicant must purchase and retire two (2) ecosystem credits to offset the removal of the Sydney Coastal Sandstone Foreshores Forest (Plant Community Type 3594) at the site. The two (2) ecosystem credits must be retired in accordance with the requirements of the Biodiversity Offsets Scheme and the *Biodiversity Conservation Act 2016*.

B50. The requirement to retire two (2) ecosystem credits (see condition B49) 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 Biodiversity Offsets Payment Calculator.

B51. Prior to undertaking any clearing or construction works for the development, the Applicant must provide the Planning Secretary with evidence that:

(a) the retirement of two (2) ecosystem credits has been completed in accordance with condition B49; or

(b) a payment has been made to the Biodiversity Conservation Fund in accordance with condition B50.

Tree Protection Measures

B52. The Applicant must retain and protect Tree ID 2 and Tree ID 4, identified in the Arboricultural Impact Assessment & Tree Protection Plan prepared by Tree Survey Pty Limited and dated 20 June 2024, throughout the life of the development. These trees are to be protected in accordance with the latest version of Australian Standard *4970:2009 – Protection of Trees on Development*. All required tree protection measures must be implemented prior to the commencement of construction works at the site.

B53. Prior to the commencement of construction, a project arborist with a minimum ‘Australian Qualifications Framework – Level 5’ certification is to be appointed. The project arborist is to:

(a) oversee the tree protection measures required under this consent;

(b) oversee any works within the Tree Protection Zones established under this consent; and

(c) complete regular inspections of retained trees to ensure that protection measures specified in condition B52 are being adhered to for the duration of construction.

B54. In the event that native fauna is found during tree removal works, all works in the immediate vicinity of the animal(s) must cease. Work in the immediate vicinity of the animal(s) must not recommence until a trained wildlife handler attends the site or the animal relocates itself.

WASTE MANAGEMENT

Statutory Requirements

B55. Waste generated by the development must be secured and maintained within designated on-site waste storage areas until it is removed from the site.

B56. The Applicant must assess and classify all liquid and non-liquid wastes to be removed from the site in accordance with the latest version of the EPA's *Waste Classification Guidelines Part 1: Classifying Waste* (EPA, 2014).

B57. The Applicant must ensure:

(a) all e-waste materials removed from the site are directed to a reuse or recycling facility lawfully permitted to accept the materials (or as otherwise agreed to by the Planning Secretary); and

(b) all other waste materials removed from the site are directed to a waste management facility or premises lawfully permitted to accept the materials.

B58. Waste generated outside the site must not be received at the site for storage, treatment, processing, reprocessing, or disposal.

CONTAMINATION

Unexpected Finds

B59. Prior to the commencement of construction, the Applicant must prepare an unexpected contamination finds procedure to ensure that potentially contaminated material is appropriately managed. The procedure must form part of the of the CEMP in accordance with condition C2 and must ensure any material identified as contaminated is managed in accordance with the POEO Act and its associated regulations. Details of the final management approach and the results of any associated testing must be submitted to the Planning Secretary within six weeks of the Applicant becoming aware of the contamination find (or as otherwise agreed to by the Planning Secretary).

Remediation Works

B60. The Applicant must ensure the remediation works for the development are undertaken by a suitably qualified and experienced consultant(s) in accordance with the approved Remedial Action Plan (prepared by Senversa Pty Ltd, dated 27 June 2024) and relevant guidelines produced or approved under the *Contaminated Land Management Act 1997.*

Validation Report

B61. Prior to the commencement of operation, the Applicant must submit a Remediation Validation Report (RVR) to the satisfaction of the Planning Secretary. The RVR must:

(a) be prepared, or reviewed and approved, by a consultant certified under either the Environment Institute of Australia and New Zealand's Certified Environmental Practitioner (Site Contamination) scheme (CEnvP(SC)) or the Soil Science Australia Certified Professional Soil Scientist Contaminated Site Assessment and Management (CPSS CSAM) scheme;

(b) be prepared in accordance with Consultants Reporting on Contaminated Land: Contaminated Land Guidelines (EPA, 2020) and relevant guidelines made or approved by the EPA under section 105 of the *Contaminated Land Management Act 1997*;

(c) confirm:

(i) the remedial works approved under this consent have been completed in accordance with the remediation objectives listed in the approved Remedial Action Plan; and

(ii) the site is suitable for its intended industrial and commercial uses.

Asbestos

B62. The Applicant must ensure that any asbestos encountered during the remediation and construction works for the development 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:

(a) Work Health and Safety Regulation 2017;

(b) *Code of Practice – How to Manage and Control Asbestos in the Workplace* (SafeWork NSW, 2022);

(c) *Code of Practice – How to Safely Remove Asbestos* (SafeWork NSW, 2022); and

(d) Protection of the Environment Operations (Waste) Regulation 2014.

VISUAL AMENITY

Landscaping

B63. Prior to the commencement of operation, the Applicant must prepare a Landscape Management Plan to manage the development's landscaping works, to the satisfaction of the Planning Secretary. The plan must form part of the development's OEMP in accordance with condition C5 and must:

(a) detail the species to be planted on-site;

(b) be generally consistent with the planting schedule, species, pot size, number of plants as described within the Landscape Detail Plan included in Appendix 1 of this consent;

(c) describe the monitoring and maintenance measures to manage revegetation and landscaping works; and

(d) be consistent with the relevant Management and Mitigation Measures included in Appendix 2 of this consent.

B64. The Applicant must:

(a) not commence operation until the Landscape Management Plan required by condition B63 is approved by the Planning Secretary;

(b) implement the most recent version of the Landscape Management Plan approved by the Planning Secretary; and

(c) maintain the landscaping and vegetation on the site in accordance with the approved Landscape Management Plan required by condition B63 for the life of the development.

Lighting

B65. 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 and Fencing

B66. Any signage associated with the data centre is to be subject to further approval.

B67. All permanent fencing must be erected in accordance with the development plans included in Appendix 1 of this consent.

Note: *Conditions B66 and B67 does not apply to temporary construction and safety related signage and fencing.*

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) a condition compliance table for that plan;

(b) detailed baseline data (where required);

(c) 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;

(d) a description of the measures to be implemented to comply with the relevant statutory requirements, limits, or performance measures and criteria;

(e) 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 paragraph (d) above;

(f) 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;

(g) a program to investigate and implement ways to improve the environmental performance of the development over time;

(h) 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

(i) 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) for the development 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) details of the community consultation and complaints handling procedure to be implemented during construction;

(b) Construction Noise and Vibration Management Plan (see condition B7);

(c) Construction Traffic Management Plan (see condition B26);

(d) erosion and sediment control plan(s) (see condition B39);

(e) Unexpected Contamination Finds Procedure (see condition B59); and

(f) Remedial Action Plan (see condition B60).

C4. The Applicant must:

(a) not commence construction of the development until the CEMP required under condition C2 is approved by the Planning Secretary; and

(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).

OPERATIONAL ENVIRONMENTAL MANAGEMENT PLAN

C5. The Applicant must prepare an Operational Environmental Management Plan (OEMP) for the development in accordance with the requirements of condition C1 and to the satisfaction of the Planning Secretary.

C6. As part of the OEMP required under condition C5 of this consent, the Applicant must include the following:

(a) describe the role, responsibility, authority and accountability of all key personnel involved in the environmental management of the development;

(b) describe the procedures that would be implemented to:
   (i) keep the local community and relevant agencies informed about the operation and environmental performance of the development;
   (ii) receive, handle, respond to, and record complaints;
   (iii) resolve any disputes that may arise;
   (iv) respond to any non-compliance;
   (v) respond to emergencies; and
(c) Air Quality Management Plan (see condition B20); and
(d) Landscape Management Plan (see condition B63).

C7. The Applicant must:
(a) not commence operation until the OEMP required under condition C5 is approved by the Planning Secretary; and
(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).

REVISION OF STRATEGIES, PLANS AND PROGRAMS

C8. Prior to the commencement of construction of any works associated with any modification to this consent, or within three months of:
(a) the submission of an incident report under condition C10;
(b) the submission of a Compliance Report under condition C14;
(c) the submission of a Back-up Generator Incident Report under condition C17;
(d) the approval of any modification of the conditions of this consent; or
(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, and the Planning Secretary must be notified in writing of the outcomes of any review.

C9. If identified as part of the review process (see condition C8), or considered necessary to improve the environmental performance of the development, the Applicant must ensure the strategies, plans and/or programs required under this consent are revised, to the satisfaction of the Planning Secretary.

The revised document(s) must be submitted to the Planning Secretary for approval within six weeks of the review process taking place, or in the case of a modification approving the construction of any works, prior to the commencement of construction of those works, or such other timing as agreed by the Planning Secretary.

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

C10. The Applicant must notify the Department within 24 hours of becoming aware of an incident. The notification must be made via the NSW planning portal (Major Projects) and address details of the incident, including:
(a) the date, time and location;
(b) a brief description of what occurred and why it has been classified as an incident;
(c) a description of what immediate steps were taken in relation to the incident; and
(d) identifying a contact person for further communication regarding the incident.

C11. The Applicant must provide the Department with a subsequent incident report in accordance with the requirements set out in Appendix 3 of this consent.

Non-Compliance Notification

C12. Within seven days of becoming aware of any non-compliance, the Applicant must notify the Department of the non-compliance, in writing, via the NSW planning portal (Major Projects).

C13. A non-compliance notification submitted under condition C12 must identify the development (including the development application number and name), set out the condition of this consent that the development is non-compliant with, why it does not comply, the reasons for the non-compliance (if known), and what actions have been undertaken, or will be undertaken, and when, to address the non-compliance.

Note: *A non-compliance which has been notified as an incident does not need to also be notified as a non-compliance.*

Compliance Reporting

C14. Within the first year of commencement of operation of the development, and in the same month each subsequent year (or such other timing as agreed by the Planning Secretary), the Applicant must submit a Compliance Report to the Planning Secretary reviewing the environmental performance of the development to the satisfaction of the Planning Secretary. Each Compliance Report must:

(a) be prepared in accordance with the *Compliance Reporting Post Approval Requirements* (DPIE, 2020);

(b) identify any trends in the monitoring data over the life of the development;

(c) identify any discrepancies between the predicted and actual impacts of the development, and analyse the potential cause of any significant discrepancies; and

(d) describe what measures will be implemented over the next year to improve the environmental performance of the development.

C15. The Applicant must make each Compliance Report publicly available no later than 60 days after submitting it to the Planning Secretary and notify the Planning Secretary in writing at least seven days before this is done.

Back-up Generator Operation Monitoring and Reporting

C16. For the life of the development (or such other time as agreed to in writing by the Planning Secretary), the Applicant must maintain a log of all instances where the back-up generators are used and/or tested at the site, excluding those instances where a Back-up Generator Incident Report is required to be submitted (see condition C17). The log must detail the following:

(a) the date and time of operation;

(b) the purpose of operation;

(c) the total number of back-up generators operated;

(d) the operating load of each generator; and

(e) the duration of operation.

A copy of the log must be made available to the Planning Secretary upon request.

Back-up Generator Incident Report

C17. Within 30 days of the back-up generators being used to power any part of the development during a power outage event (or as otherwise agreed to by the Planning Secretary), the Applicant must prepare and submit a Back-up Generator Incident Report for the development to the satisfaction of the Planning Secretary. The report must include:

(a) details regarding the:

(i) date and time of the power outage event;

(ii) date and time of back-up generator operation;

(iii) identification of the back-up generators used and the total number of generators operated;

(iv) duration of operation for each generator and the total duration of generator use;

(v) total quantity of diesel fuel used by the back-up generators;

(vi) total amount of electricity produced by the back-up generators;

(b) if relevant, confirmation regarding whether neighbouring properties were made aware that the development's back-up generator system was operating (see condition B20(f));

(c) assessment of any air quality impacts resulting from the operation of the back-up generators; and

(d) assessment and recommendation of additional measures that could be implemented to reduce future impacts, including but not limited to reduced likelihood of generator operation and retrofit of generator emission controls.

Monitoring and Environmental Audits

C18. 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.

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

C19. At least 48 hours before the commencement of construction of the development and for the life of the development (or such other time as agreed by the Planning Secretary), including during remediation, 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;
  (ii) all current statutory approvals for the development;
  (iii) all approved strategies, plans and programs required under the conditions of this consent with the exception of any hazard and risk related studies;
  (iv) 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;
  (v) 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;
  (vi) a summary of the current stage and progress of the development;
  (vii) contact details to enquire about the development or to make a complaint;
  (viii) a complaints register, updated quarterly;
  (ix) the Compliance Report of the development;
  (x) 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 Number	Drawing Title	Drawing Issue	Date
Architectural Drawings prepared by Greenbox Architecture Pty Ltd				
180095	SSDA-A-052	Site Plan	L	04/06/2025
180095	SSDA-A-100	Level 1 Plan	H	04/06/2025
180095	SSDA-A-101	Level 2 Plan	G	04/06/2025
180095	SSDA-A-102	Level 3 Plan	G	14/02/2025
180095	SSDA-A-103	Level 4 Plan	F	14/02/2025
180095	SSDA-A-104	Roof Plan	G	14/02/2025
180095	SSDA-A-105	Upper Roof Plan	A	14/02/2025
180095	SSDA-A-201	North East Elevation	G	14/02/2025
180095	SSDA-A-202	North West Elevation	G	14/02/2025
180095	SSDA-A-203	South West Elevation	G	04/06/2025
180095	SSDA-A-204	South East Elevation	G	04/06/2025
Civil Drawings prepared by van der Meer Consulting				
SY232-038	C201	Bulk Earthworks Plan	D	30/10/2024
SY232-038	C202	Bulk Earthworks Sections	D	30/10/2024
SY232-038	C210	Erosion and Sediment Control	E	08/04/2025
SY232-038	C211	Retaining Wall Layout Plan	D	30/10/2024
SY232-038	C221	Retaining Wall Elevations	D	30/10/2024
SY232-038	C301	Pavement Layout	E	06/04/2025
SY232-038	C311	Linemarking Plan	D	30/10/2024
SY232-038	C351	Pavement Details	D	30/10/2024
SY232-038	C401	Drainage Layout	H	08/04/2024
SY232-038	C451	Drainage Details – Sheet 1	D	30/10/2024
SY232-038	C452	OSD Details	D	30/10/2024
Landscape Plans prepared by Geoscapes				
230930	SSD-01	Landscape Masterplan	J	05/06/2025
230930	SSD-03	Landscape Detail Plan 1	J	05/06/2025
230930	SSD-04	Landscape Section	J	05/06/2025
230930	SSD-05	Specifications & Typical Details	J	05/06/2025
230930	SSD-06	Plant Schedule & Imagery	J	05/06/2025

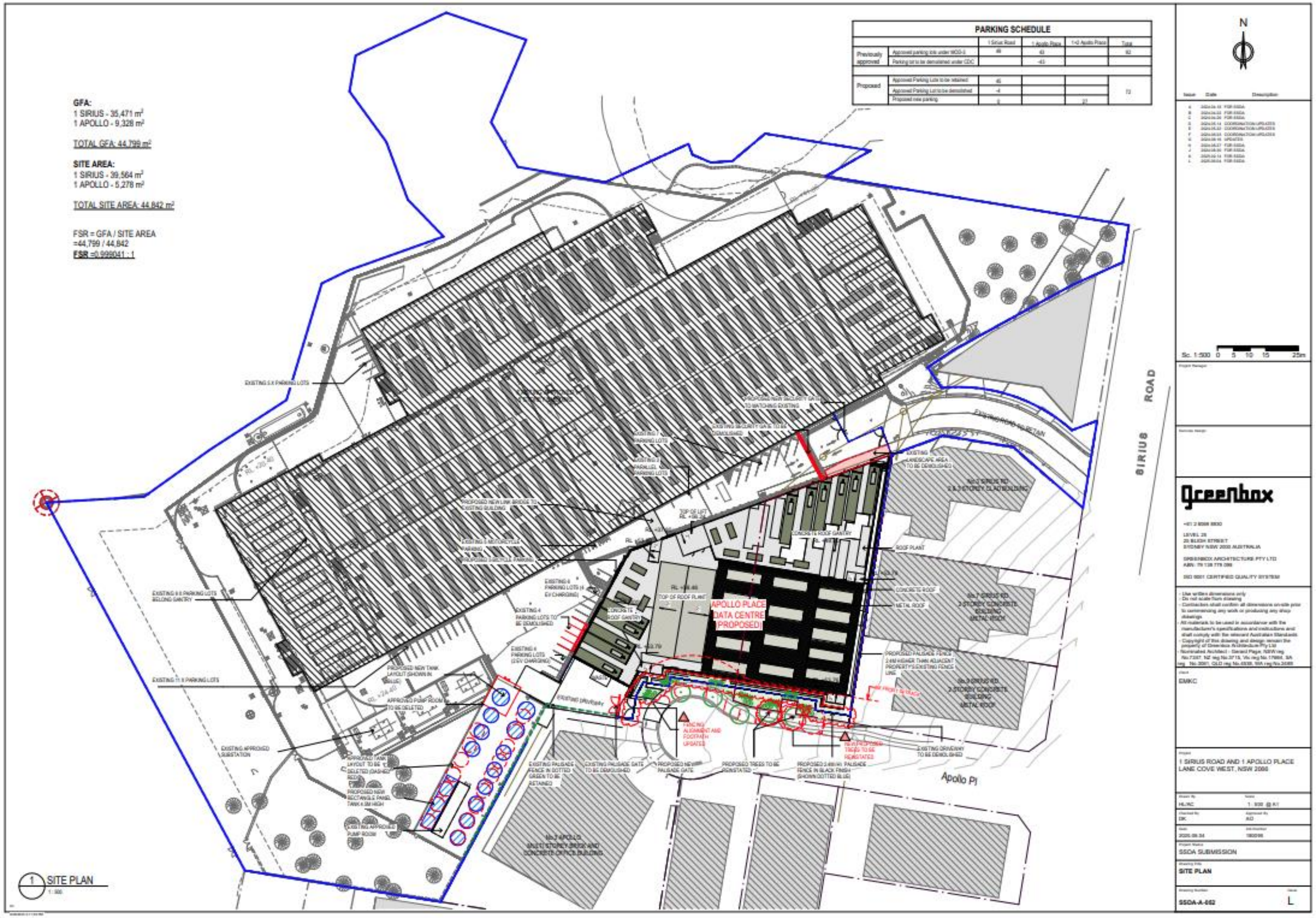

Figure 1: Site Plan(s)

APPENDIX 2 APPLICANT'S MANAGEMENT AND MITIGATION MEASURES

ID	Management / Mitigation Measure	Timing
Administrative Commitments		
A1	**Commitment to Minimise Harm to the Environment** The Proponent will commit to implement all reasonable and feasible measures, to prevent and/or minimise any harm to the environment, that may result from the construction or operation of the proposed development	Prior to construction, during construction, and during operation.
A2	**Terms of Approval** The Proponent will carry out the project generally in accordance with the: (a) Environmental Impact Statement; (b) Drawings; (c) Management and Mitigation Measures; (d) Any Conditions of Approval. If there is any inconsistency between the above, the Conditions of Approval shall prevail to the extent of the inconsistency.	Prior to construction, during construction, and during operation.
A3	**Occupation Certificate** The Proponent will ensure that Occupation Certificates are obtained prior to the occupation of the facilities.	Prior to operation.
A4	**Compliance** The Proponent will ensure compliance with any reasonable requirement(s) of the Secretary of the NSW DPHI arising from the assessment of: (a) Any reports, plans, programs, strategies or correspondence that are submitted in relation to this Approval; and (b) The implementation of any recommended actions or measures contained in reports, plans, programs, strategies or correspondence submitted by the Project Team as part of the application for Approval.	Prior to construction, during construction, and during operation.
A5	**Structural Adequacy** The Proponent will ensure that all new buildings and structures on the Site are constructed in accordance with the relevant requirements of the National Construction Code.	During construction.
A6	**Construction Environmental Management Plan** Prior to the commencement of construction, the Proponent would prepare a Construction Environmental Management Plan (CEMP) that addresses the following: (a) Air Quality; (b) Noise and Vibration; (c) Waste Classification; (d) Erosion and Sediment Control; (e) Materials Management Plan; and (f) Community Consultation and Complaints Handling.	Prior to construction.

ID	Management / Mitigation Measure	Timing
A7	**Site Induction** All staff employed on the site by the construction contractor will be required to undergo a site induction.	Prior to construction.
A8	**Operation of Plant and Equipment** The Proponent will ensure that all plant and equipment used on-site, is maintained and operated in proper and efficient manner, and in accordance with relevant Australian Standards.	During operation.
A9	**Monitoring the State of Roadways** The Proponent will monitor the state of roadways leading to and from the subject Site, during construction, and will take all necessary steps to clean up any adversely impacted road pavements as directed by the Lane Cove Council.	During construction.
A10	**Waste Receipts** The Proponent will ensure that a permanent record of receipts, for the removal of both liquid and solid waste from the subject site, be kept and maintained up to date at all times. Such records will be made available to authorised person upon request.	During construction and operation.
A11	**Complaints Handling** The Proponent will prepare an Operational Complaints Handling Protocol for the development, prior to the commencement of operations.	Prior to operation.
A12	**Soil and Water Management** A Soil and Water Management Plan (SWMP) and Erosion and Sediment Control Plan (ESCP), or equivalent, will be implemented for the construction of the proposed development.	Prior to and during construction.
Specific Environmental Commitments		
Air Quality		
AQ1	Air quality mitigation and monitoring will form part of the CEMP, to be prepared for the project, as outlined in **A6**.	Prior to construction.
Traffic and Transport		
TT1	The Proponent will finalise and implement the Construction Traffic Management Plan (CTMP).	Prior to and during construction.
Cultural Heritage		
H1	An Unexpected Finds Policy will be developed, in the unlikely event that relics are identified during ground disturbing works.	Prior to construction.
H2	Unexpected Aboriginal objects remain protected by the *National Parks and Wildlife Act 1974*. If any such objects, or potential objects, are uncovered in the course of the activity, all work in the vicinity will cease immediately. A qualified archaeologist would be contacted to assess the find and Heritage NSW and Metropolitan Local Aboriginal Land Council would be notified.	During construction.

ID	Management / Mitigation Measure	Timing
H3	If human remains, or suspected human remains, are found in the course of the activity, all work in the vicinity will cease, the site would be secured, and the NSW Police and Heritage NSW would be notified	During construction.
H4	All relevant staff, contractors and subcontractors will be made aware of their statutory obligations for heritage under the NSW *Heritage Act 1977* and best practice as outlined in *The Burra Charter 2013*, during site inductions.	Prior to construction.
H5	The Proponent will provide a copy of the ACHA to the RAPs and consider all comments received. Delorean will continue to inform these groups about the management of Aboriginal cultural heritage sites within the study area throughout the life of the project.	Prior to construction
Socio-Economic		
SE1	The Proponent will notify surrounding businesses and residents one (1) week before commencement of construction activities. Notices should include: ▪ Details of the proposal, including contact details of management team ▪ Hours and expected period of construction ▪ Details regarding process should businesses or residents have concerns, questions or complaints	Prior to construction.
SE2	The Proponent will set up a feedback process to manage and respond to stakeholder concerns, questions, or complaints. The Proponent will ensure that this process is clear and accessible to stakeholders such as surrounding businesses and residents.	Prior to and during construction.
Waste Management		
WM1	Effective management of construction materials and construction and demolition waste, including options for reuse and recycling where applicable and practicable, would be conducted. Only wastes that cannot be cost effectively reused or recycled will be sent to landfill or appropriate disposal facilities.	During construction.
WM2	Waste materials produced from site preparation and construction activities will be separated at the source and stored separately on-site.	During construction.
WM3	The Site Manager or equivalent role will: ▪ Arrange for suitable waste collection contractors to remove any construction waste from site ▪ Ensure waste bins are not filled beyond recommended filling levels ▪ Ensure that all bins and loads of waste materials leaving site are covered ▪ Maintain waste disposal documentation detailing, at a minimum: o Descriptions and estimated amounts of all waste materials removed from site o Details of the waste and recycling collection contractors and facilities receiving the waste and o recyclables o Records of waste and recycling collection vehicle movements, for example, date and time of loads	During construction.

ID	Management / Mitigation Measure	Timing
	○ removed, licence plate of collection vehicles, tip dockets from receiving facility, and ○ Waste classification documentation for materials disposed to off-site recycling or landfill facilities. ▪ Ensure lawful waste disposal records are readily accessible for inspection by regulatory authorities such as Council, SafeWork NSW or NSW EPA, and ▪ Remove waste during hours approved by Council.	
WM4	Site inductions, as required under **A7** will ensure the following training is covered: ▪ Legal obligations and targets ▪ Emergency response procedures on-site ▪ Waste priorities and opportunities for reduction, reuse, and recycling ▪ Waste storage locations and separation of waste ▪ Procedures for suspected contaminated and hazardous wastes ▪ Waste related signage ▪ The implications of poor waste management practices, and ▪ Responsibilities and reporting, including identification of personnel responsible for waste management and individual responsibilities.	Prior to construction.
Arboricultural		
ARB1	The following conditions are required before any work proceeds on site: • Site induction: All workers related to the construction process and before entering the site must be briefed about the requirements/conditions outlined in this report relative to the zone of protection, measures, and specifications before the initiation of work. This is required as part of the site induction process. Project Arborist; A project arborist who conforms to the requirements of the AS 4970 is required to be nominated immediately after a Notice of Determination is issued, and they are to be provided with all related site documents.	Prior to construction.
ARB2	The Proponent will implement all recommendations of the Arboricultural Impact Assessment prepared by Tree Survey and dated 20 June 2024 in relation to tree protection measures.	Prior to and during construction.
Noise and Vibration		
NV1	The Proponent will implement all recommendations of the Nosie and Vibration Impact Assessment prepared by Renzo Tonin and dated 1 April 2025 as amended by the addendum report dated 9 July 2025 (ref: TN610-05F05 Apollo Place Data Centre - Additional 20250624 RtS (r1).docx).	Prior to construction.

APPENDIX 3 INCIDENT NOTIFICATION AND REPORTING REQUIREMENTS

WRITTEN INCIDENT NOTIFICATION REQUIREMENTS

1. All incident notifications and reports must be submitted via the NSW planning portal (Major Projects).
2. The Applicant must provide notification as required under these requirements, 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.
3. Within **7 days** (or as otherwise agreed to by the Planning Secretary) of the Applicant making the immediate incident notification (in accordance with condition C10), the Applicant is required to submit a subsequent incident report that:
   (a) identifies how the incident was detected;
   (b) identifies when the Applicant became aware of the incident;
   (c) identifies any actual or potential non-compliance with conditions of consent;
   (d) identifies further action(s) that will be taken in relation to the incident;
   (e) a summary of the incident;
   (f) outcomes of an incident investigation, including identification of the cause of the incident;
   (g) details of the corrective and preventative actions that have been, or will be, implemented to address the incident and prevent recurrence, including the period for implementing any corrective and/or preventative actions; and
   (h) details of any communication with other stakeholders regarding the incident.
4. The Applicant must submit any further reports as directed by the Planning Secretary.

INCIDENT REPORT REQUIREMENTS

5. If requested by the Planning Secretary, 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.
6. 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.