

## 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 11 October 2017, 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  
Compliance, Industry and Key Sites

Sydney

2019

File: EF19/4251

***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.***

# CONSOLIDATED CONSENT

## SCHEDULE 1

<b>Application Number:</b>	SSD-9741
<b>Applicant:</b>	Greenbox Architecture Pty Ltd
<b>Consent Authority:</b>	Minister for Planning and Public Spaces
<b>Site:</b>	1 Sirius Road, Lane Cove West (Lot 1 DP 1271404)
<b>Development:</b>	Construction and 24-hour operation of a data centre with associated office, supporting infrastructure and services, car parking and landscaping.

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# CONSOLIDATED CONSENT

## SUMMARY OF MODIFICATIONS

Application Number	Determination Date	Decider	Modification Description
SSD-9741-Mod-1	14 April 2020	Director, Industry Assessments	Diesel fuel storage and generator arrangements
SSD-9741-Mod-2	16 December 2020	Director, Industry Assessments	Building alterations and additional office space
SSD-9741-Mod-3	XX October 2023	Director, Industry Assessments	External, internal and operational design amendments

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# CONSOLIDATED CONSENT

## DEFINITIONS

<b>Applicant</b>	Greenbox Architecture Pty Ltd, or any person carrying out any development to which this consent applies
<b>AS</b>	Australian Standard
<b>BAL</b>	Bushfire Attack Level
<b>BCA</b>	Building Code of Australia
<b>Carrier</b>	Operator of a telecommunication network and/or associated infrastructure, as defined in section 7 of the <i>Telecommunications Act 1997</i> (Cth)
<b>CEMP</b>	Construction Environmental Management Plan
<b>Certifying Authority</b>	A person who is authorised by or under the former section 109D of the EP&A Act to issue Part 4A certificates
<b>Conditions of this consent</b>	Conditions contained in Schedule 2 of this document
<b>Construction</b>	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
<b>Council</b>	Lane Cove Council
<b>Day</b>	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
<b>Demolition</b>	The deconstruction and removal of buildings, sheds and other structures on the site
<b>Department</b>	NSW Department of Planning, Industry and Environment
<b>Development</b>	The development described in the EIS and RTS, including the works and activities comprising the construction and 24-hour operation of a data centre with associated office space, as modified by the conditions of this consent
<b>Development layout</b>	The plans at Appendix 1 of this consent
<b>Earthworks</b>	Bulk earthworks, site levelling, import and compaction of fill material, excavation for installation of drainage and services, to prepare the site for construction
<b>EES Group</b>	NSW Department of Planning, Industry and Environment – Environment, Energy and Science Group
<b>EIS</b>	The updated Environmental Impact Statement titled 'Environmental Impact Statement Proposed Data Centre', prepared by Willowtree Planning Pty Ltd on behalf of Greenbox Architecture dated 10 September 2019, submitted with a request for a changed application for consent for the development
<b>Emergency operations</b>	The use of the data centre (for the collection, storage, processing and/or distribution of electronic data), associated office and site infrastructure during a power outage event
<b>ENM</b>	Excavated Natural Material
<b>Environment</b>	As defined in section 1.4 of the EP&A Act
<b>EP&amp;A Act</b>	<i>Environmental Planning and Assessment Act 1979</i>
<b>EP&amp;A Regulation</b>	Environmental Planning and Assessment Regulation 2000
<b>EPA</b>	NSW Environment Protection Authority
<b>Evening</b>	The period from 6:00 PM to 10:00 PM
<b>Fibre ready facility</b>	As defined in section 372W of the <i>Telecommunications Act 1997</i> (Cth)
<b>Heritage</b>	Encompasses both Aboriginal and historic heritage including sites that predate European settlement, and a shared history since European settlement
<b>Heritage item</b>	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

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<b>Incident</b>	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
<b>Land</b>	As defined section 1.4 of the EP&A Act
<b>Material harm</b>	Is harm that: <ul style="list-style-type: none"> <li>involves actual or potential harm to the health or safety of human beings or to the environment that is not trivial, or</li> <li>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)</li> </ul>
<b>Minister</b>	NSW Minister for Planning and Public Spaces (or delegate)
<b>Mitigation</b>	Activities associated with reducing the impacts of the development prior to or during those impacts occurring
<b>Modification Assessments</b>	<p>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&amp;A Act:</p> <ul style="list-style-type: none"> <li>a) SSD-9741-Mod-1, prepared by Willowtree Planning Pty Ltd and dated 26 February 2020, as amended by the Response to Submissions letters prepared by Willowtree Planning Pty Ltd and dated 17 March 2020 and 31 March 2020, respectively; and</li> <li>b) SSD-9741-Mod-2, prepared by Willowtree Planning Pty Ltd and dated 21 September 2020, as amended by the Response to Submissions letter prepared by Willowtree Planning Pty Ltd and dated 30 October 2020; and</li> <li>c) SSD-9741-Mod-3, prepared by Willowtree Planning Pty Ltd and dated 20 January 2023, as amended by the Response to Submissions letter prepared by Willowtree Planning Pty Ltd and dated 29 August 2023.</li> </ul>
<b>Night</b>	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
<b>Non-compliance</b>	An occurrence, set of circumstances or development that is a breach of this consent
<b>Operation</b>	The use of the data centre (for the collection, storage, processing and/or distribution of electronic data), associated office and site infrastructure, as described in the EIS and RTS (excludes emergency operations)
<b>PCA</b>	Principal Certifying Authority in accordance with the EP&A Act
<b>Planning Secretary</b>	The Secretary of the Department of Planning, Industry and Environment, or nominee
<b>Preliminary Works</b>	Includes demolition, vegetation clearing, earthworks, provision of services, construction of the suspended driveway, foundations and slab pouring, but does not include construction of the diesel system (i.e. diesel generators, diesel fuel storage tanks, diesel tank filling systems, electrical power sources associated with diesel fuel pumps, etc) and associated support platforms
<b>POEO Act</b>	<i>Protection of the Environment Operations Act 1997</i>
<b>Reasonable</b>	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
<b>Registered Aboriginal Parties</b>	Means the Aboriginal persons identified in accordance with the document entitled " <i>Aboriginal cultural heritage consultation requirements for proponents</i> " (DECCW, 2010)
<b>RFS</b>	NSW Rural Fire Service
<b>RMS</b>	<del>NSW Roads and Maritime Services</del>
<b>RTS</b>	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 letter titled 'State significant development application (SSD 9741) for proposed data centre property at: 1 Sirius Road, Lane Cove West (Lot 1 DP 1151370)' and attachments, prepared by Willowtree Planning, dated 25 October 2019
<b>Sensitive receivers</b>	A location where people are likely to work, occupy or reside, including a dwelling, school, hospital, office or public recreational area

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<b>Site</b>	The land defined in <a href="#">Schedule 1</a>
<b>Site Audit Report</b>	As defined in section 4 of the <i>Contaminated Land Management Act 1997</i>
<b>Site Audit Statement</b>	As defined in section 4 of the <i>Contaminated Land Management Act 1997</i>
<b>Site Auditor</b>	As defined in section 4 of the <i>Contaminated Land Management Act 1997</i>
<b>SWMMP</b>	Site Waste Minimisation and Management Plan
<b>TfNSW</b>	<a href="#">Transport for NSW</a>
<b>VENM</b>	Virgin Excavated Natural Material
<b>VMP</b>	Vegetation Management Plan
<b>Waste</b>	Has the same meaning as the definition of the term in the Dictionary to the POEO Act
<b>Year</b>	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 and RTS;
  - (d) in accordance with Modification Assessments;
  - (e) in accordance with the Development Layout in Appendix 1; and
  - (f) in accordance with the management and mitigation measures in Appendix 3.
- 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), A2(d), A2(f) and A2(f). In the event of an inconsistency, ambiguity or conflict between any of the documents listed in conditions A2(c), A2(d), A2(f) and A2(f), 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 Generators

- A6. The Applicant must ensure:
- (a) testing of the back-up generators does not exceed 200 hours in a year;  
the on-site generation of electricity during emergency operations does not exceed 200 hours a year; and
  - (b) only one back-up generator is tested at any one time; and
  - (c) the diesel fuel storage capacity of the site does not exceed 2,000 tonnes at any one time.

##### Two Apollo Place

- A7. This development consent does not permit the use of the office building located at 2 Apollo Place (Lot 7 DP 241877) for any purpose other than as ancillary office space to the adjacent data centre at 1 Sirius Road (Lot 15 DP 1179953).

**Note:** Any other use of the office building located at 2 Apollo Place (Lot 7 DP 241877) is subject to further approval under the EP&A Act.

#### BACK-UP GENERATORS AND ASSOCIATED DIESEL FUEL STORAGE

- ~~A7. Within three months of the date of this consent, the Applicant must update the plans referenced in Appendix 1 to the satisfaction of the Planning Secretary. The updated plans must clearly delineate which back-up generators and associated diesel fuel storage tanks:~~
- ~~(a) are to be constructed under this consent (see Condition A6(b)); and~~
  - ~~(b) which are subject to further approval.~~



## NOTIFICATION OF COMMENCEMENT

- A8. 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; and
  - (c) cessation of operations.
- A9. 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 as otherwise agreed to by the Planning Secretary), of the date of commencement and the development to be carried out in that stage.

## EVIDENCE OF CONSULTATION

- A10. 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

- A11. 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).
- A12. 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.
- A13. 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

- A14. Before the commencement of construction, the Applicant must:
- (a) consult with the relevant owner and provider of services that are likely to be affected by the development to make suitable arrangements for access to, diversion, protection and support of the affected infrastructure;
  - (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.
- A15. 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.

**Note:** This condition does not apply to any damage to roads caused as a result of general road usage or otherwise addressed by contributions required by Condition A21 of this consent.

## PROTECTION OF LANE COVE TUNNEL ASSETS

- A16. Prior to the commencement of construction and in consultation with TfNSW, the Applicant must undertake further boreholes within the vicinity of Lane Cove Tunnel assets, to the satisfaction of the Planning Secretary.
- A17. Prior to the commencement of construction, detailed drawings demonstrating the development's foundation design will not impact upon Lane Cove Tunnel assets in the vicinity of the site, must be submitted to TfNSW.

## DEMOLITION

- A18. All demolition must be carried out in accordance with the latest version of AS 2601-2001: *The demolition of structures* (Standards Australia, 2001).

## STRUCTURAL ADEQUACY

- A19. 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 former Part 4A 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

- A20. 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.

## DEVELOPMENT CONTRIBUTIONS

- A21. Before the issue of a construction certificate for any part of the development, a contribution under section 7.11 of the EP&A Act of ~~\$1,539,252~~ **\$1,426,876** (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 streetscape improvements, open space and recreation facilities, drainage works and community facilities.

**Note:** This contribution is made in accordance with the Lane Cove Council Section 94 Contribution Plan and is based on a gross floor area of 34,983 m<sup>2</sup>. The Plan may be inspected at the Lane Cove Council Civic Centre, or on Council's website at <http://www.lanecove.nsw.gov.au>.

- A21A. Before the issue of an Occupation Certificate for the works approved under SSD-9741-Mod-2, a contribution under section 7.11 of the EP&A Act of \$25,893 (adjusted on a quarterly basis (from the date of approval of SSD-9741-Mod-2), 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 streetscape improvements, open space and recreation facilities, drainage works and community facilities.

**Note:** This contribution is made in accordance with the Lane Cove Council Section 94 Contribution Plan and is based on:

- a commercial gross floor area of 28.5 m<sup>2</sup> and the contribution rate of \$138 per m<sup>2</sup> of additional retail/ commercial floor space; and
- an industrial gross floor area of 488 m<sup>2</sup> and the contribution rate of \$45 per m<sup>2</sup> of additional industrial floor space.

The Plan may be inspected at the Lane Cove Council Civic Centre, or on Council's website at <http://www.lanecove.nsw.gov.au>.

## 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 Certifying Authority with documented evidence that the products and systems proposed for use or used in the construction of external walls (including the installation of 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 Certifying Authority under Condition A24 to the Planning Secretary within seven days after the Certifying Authority 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.

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- 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 Certifying Authority, 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. The Applicant must demonstrate that the carrier has confirmed in writing it is satisfied that the fibre ready facilities are fit for purpose.

## WORKS AS EXECUTED PLANS

- A30. Before the issue of the final Occupation Certificate, work-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 PCA.

## 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.

## LOT CONSOLIDATION

- A33. Prior to the issue of a final Occupation Certificate for the office building located at 2 Apollo Place (Lot 7 DP 241877), the Applicant must consolidate that lot into a single lot with Lot 15 DP 1179953.

## 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

### CONTAMINATION

#### Site Auditor

- B1. Prior to the commencement of any earthworks or remediation works on site, the Applicant must engage a Site Auditor accredited under the *Contaminated Land Management Act 1997* NSW Site Auditor Scheme.

#### Remedial Action Plan

- B2. Prior to the commencement of any earthworks or remediation on site, the 'Remedial Action Plan, 1 Sirius Road, Lane Cove West, NSW' prepared by Senversa, dated 14 August 2019 (Revision 5) must be reviewed and, where required, amended to address any requirements of the Site Auditor.
- B3. Prior to the commencement of any earthworks or remediation on site, the Site Auditor must provide written advice to the Planning Secretary confirming the site is capable of being made suitable for the proposed development with the implementation of the final remediation approach.
- B4. The Applicant must ensure the remediation works are undertaken by a suitably qualified and experienced consultant(s) in accordance with the Remedial Action Plan endorsed by the Site Auditor and relevant guidelines produced or approved under the *Contaminated Land Management Act 1997*.

#### Site Audit Report and Site Audit Statement

- B5. Upon completion of the remediation works and prior to operation, the Applicant must submit to the Planning Secretary, a Site Audit Report and a Site Audit Statement. The Site Audit Report and Site Audit Statement must:
- (a) be prepared in accordance with the NSW Contaminated Land Management – Guidelines for the NSW Site Auditor Scheme 2017; and
  - (b) demonstrate that the site is suitable for its intended data centre and associated office land uses with the implementation of a Long Term Environmental Management Plan (see Condition B6).

#### Long Term Environmental Management Plan

- B6. Prior to the finalisation of the Site Audit Statement and Site Audit Report (see Condition B5), the Applicant must prepare a Long Term Environmental Management Plan (LTEMP) for the development, to the satisfaction of the Planning Secretary.
- B7. The LTEMP is to:
- (a) address all environmental impacts of the development's construction and operational phases;
  - (b) recommend any systems/controls to be implemented to minimise the potential for any adverse environmental impact(s);
  - (c) incorporate a program for ongoing monitoring and review to ensure that the LTEMP remains contemporary with relevant environmental standards; and
  - (d) mechanisms to report results to the relevant public authorities (including Council and the EPA).
- B8. Upon completion of the Site Audit Statement and Site Audit Report, the Applicant must:
- (a) implement the approved LTEMP; and
  - (b) provide evidence to the Planning Secretary the LTEMP is listed on the relevant planning certificate for the land, issued under section 10.7 of the EP&A Act, for the development.

### NOISE

#### Hours of Work

- B9. The Applicant must comply with the hours detailed in Table 1, unless otherwise agreed in writing by the Planning Secretary.

**Table 1** Hours of Work

Activity	Day	Time
Earthworks and construction	Monday – Friday Saturday	7:00 AM to 6:00 PM 7:00 AM to 4:00 PM
Operation	Monday – Sunday	24 hours
Testing of back-up generators	Monday – Friday	7:00 AM to 6:00 PM

- B10. Works outside of the hours identified in Condition B9 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 and in consultation with Council; 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

- B11. 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.

## Construction Noise and Vibration Management Plan

- B12. The Applicant must update the Construction Noise and Vibration Management Plan (the CNVMP) included in the EIS to the satisfaction of the Planning Secretary. The CNVMP must form part of the development's Construction Environmental Management Plan (see Condition C2) and must:
- (a) describe procedures for achieving the noise management levels in EPA's *Interim Construction Noise Guideline* (DECC, 2009) (as may be updated or replaced from time to time);
  - (b) describe the measures to be implemented to manage high noise generating works, such as piling, in close proximity to sensitive receivers;
  - (c) include strategies that have been developed with the community for managing high noise generating works; and
  - (d) include a complaints management system that would be implemented for the duration of the development.
- B13. The Applicant must:
- (a) not commence construction of any relevant stage until the updated CNVMP required by Condition B12 is approved by the Planning Secretary; and
  - (b) implement the most recent version of the Construction Noise and Vibration Management Plan approved by the Planning Secretary for the duration of construction.

## Operational Noise Limits

- B14. The Applicant must ensure that noise generated by operation of the development does not exceed the noise limits in Table 2.

**Table 2** Noise Limits (dB(A))

Location	Day LAeq(15 minute)	Evening LAeq(15 minute)	Night LAeq(15 minute)
R1	51	48	43
C1	63	N/A	N/A
P1	48	N/A	N/A
Any residence to the west of Pittwater Road, East Ryde	45	40	35
R2	46	42	36

Noise generated by the development is to be measured in accordance with the relevant procedures and exemptions (including certain meteorological conditions) of the Noise Policy for Industry (EPA, 2017) (as may be updated or replaced from time to time).

The noise criteria in Table 2 do not apply during emergency operations.

**Note:** The location of the sensitive receivers referred to in Table 2 are shown in Appendix 2 of this consent.

## Noise Verification Report

- B15. Within three months of the commencement of operation of Phase 2, Phase 3 and Phase 4 as identified in Figure 2 in Appendix 1 (or as otherwise directed by the Planning Secretary), the Applicant must prepare and submit a Noise Verification Report to the satisfaction of the Planning Secretary. Each Noise Verification Report must:
- (a) be prepared by a suitably qualified, experienced and independent acoustic consultant whose appointment has been endorsed by the Planning Secretary;
  - (b) demonstrate 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);
  - (c) include:
    - (i) an analysis of the prevailing meteorological conditions, applicable corrections for annoying noise characteristics (as per Fact Sheet C of the Noise Policy for Industry) and the development's compliance with the noise limits specified in condition B14;
    - (ii) an analysis any discrepancies between the predicted and actual noise impacts of the development (as described in the Modification Assessments); and
    - (iii) 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 B14.

## HAZARDS AND RISK

- B16. The quantities of dangerous goods stored and handled at the site must be below the threshold quantities listed in the Department of Planning's *Hazardous and Offensive Development Application Guidelines – Applying SEPP 33* at all times.
- B17. The Applicant must store all chemicals, fuels and oils used on-site in accordance with:
- (a) the requirements of all relevant Australian Standards including, but not limited to, *AS 1940-2017: The storage and handling of flammable and combustible liquids* (Standards Australia, 2017); and
  - (b) the NSW EPA's *Storing and Handling of Liquids: Environmental Protection – Participants Manual* if the chemicals, fuels and/or oils are liquids.

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

- B18. At least one month prior to the commencement of construction of the development (except for construction of preliminary works that are outside the scope of the fire-related reports or studies) or within such further period as the Planning Secretary may agree, the Applicant must prepare a Fire Safety Study (FSS) for the development. The FSS must be prepared in consultation with Fire and Rescue NSW and submitted for its approval. The Applicant must also submit the FSS as approved by Fire and Rescue NSW for approval of the Planning Secretary. Construction other than of preliminary works must not commence until approval of the FSS has been given by the Planning Secretary.

The FSS must include and not be limited to:

- (a) providing clear details of the FSS scope in consideration of [the plans contained in Appendix 1 of this consent](#) [any plans submitted under Condition A7](#);
  - (b) providing the final detailed design of diesel system (i.e. diesel generators, diesel fuel storage tanks, diesel tank filling systems, electrical power sources associated with diesel fuel pumps, etc.);
  - (c) covering the relevant aspects of the Department's *Hazardous Industry Planning Advisory Paper No. 2, 'Fire Safety Study'*; and
  - (d) consideration of the NSW Government's *Best Practice Guidelines for Contaminated Water Retention and Treatment Systems* with due consideration of any potential flow of contaminated water into Lane Cove River.
- B19. The Applicant must comply with all reasonable requirements of the Planning Secretary with respect to the implementation of any measure arising from the EIS, RTS, [Modification Assessments](#) and the FSS (see Condition B18) within such time as the Planning Secretary may agree.

## FIRE PROTECTION AND MANAGEMENT

### Asset Protection Zones

- B20. At the commencement of construction, and in perpetuity, the Applicant must manage the area around the data centre building and its associated infrastructure as an asset protection zone as outlined in [Appendix 4 of Planning for Bush Fire Protection \(RFS, 2019\)](#) and *Standards for asset protection zones* (RFS, 2005). This is to be performed as outlined in the addendum bushfire protection assessment for the development prepared by TBE Environmental Pty Ltd (dated 17 September 2020, Ref: 20EMKC02 / 18AWE02:NvD/JT).

### Design and Construction

- B21. The Applicant must ensure construction of the following aspects of the development complies with sections 3 and 8 (BAL 40) of [AS 3959-2018: Construction of buildings in bush fire-prone areas \(Standards Australia, 2018\)](#) or the *NASH Standard (1.7.14 updated) - Steel Framed Construction in Bushfire Areas* (NASH, 2014) as appropriate and [section 7.5 of Planning for Bushfire Protection \(RFS, 2019\)](#):
- (a) south-eastern elevation of the data centre; and
  - (b) the on-site substation.



B22. The Applicant must ensure construction of the following aspects of the development complies with sections 3 and 9 (BAL FZ) of *AS 3959-2018: Construction of buildings in bush fire-prone areas* (Standards Australia, 2018) or the *NASH Standard (1.7.14 updated) - Steel Framed Construction in Bushfire Areas* (NASH, 2014) as appropriate and section 7.5 of *Planning for Bushfire Protection* (RFS, 2019):

- (a) north-eastern elevation of the data centre;
- (b) north-western elevation of the data centre;
- (c) south-western elevation of the data centre; and
- (d) roof of the data centre.

Except for windows, flaming of the specimen is not permitted and there must be no exposed timber.

B23. The Applicant must ensure construction of the external plant platforms complies with sections 3 and 9 (BAL FZ) of *AS 3959-2018: Construction of buildings in bush fire-prone areas* (Standards Australia, 2018) or the *NASH Standard (1.7.14 updated) - Steel Framed Construction in Bushfire Areas* (NASH, 2014) as appropriate and section 7.5 of *Planning for Bushfire Protection* (RFS, 2019).

Except for windows, materials that would flame and/or combust are not permitted and there must be no exposed timber.

~~The Applicant must ensure construction of the generator platforms and associated diesel fuel storage tanks is undertaken in accordance with the recommended alternate design solution detailed in the 'Generator Insulated Base fuel tank thermal study' for the development, prepared by Parratech Group Pty Ltd (dated 25 October 2019, Rev. C, Ref: P9223-P-381.01).~~

B23A. The Applicant must ensure construction of the link bridge and refurbishment of the office building at 2 Apollo Place (Lot 7 DP 241877) complies with sections 3 and 6 (BAL 19) of *AS 3959-2018: Construction of buildings in bush fire-prone areas* (Standards Australia, 2018) or the *NASH Standard (1.7.14 updated) - Steel Framed Construction in Bushfire Areas* (NASH, 2014) as appropriate and section 7.5 of *Planning for Bushfire Protection* (RFS, 2019).

B23B. The Applicant must upgrade the office building at 2 Apollo Place (Lot 7 DP 241877) to improve ember protection by:

- (a) enclosing all openings (excluding roof tile spaces) or covering openings with a non-corrosive metal screen mesh with a maximum aperture of 2 mm\*; and
- (b) ensuring external doors are fitted with draught excluders.

\* Where applicable, this includes any sub floor areas, openable windows, vents, weepholes and eaves.

B24. The Applicant must ensure:

- (a) the provision of water, electricity and gas complies with Table 7.4a of *Planning for Bushfire Protection* (RFS, 2019);
- (b) property access roads comply with Table 7.4a of *Planning for Bushfire Protection* (RFS, 2019); and
- (c) on-site fire trails comply with section 3.4.4 of *Planning for Bushfire Protection* (RFS, 2019).
- ~~(d) arrangements for emergency and evacuation comply with section 4.2.7 of *Planning for Bushfire Protection* (RFS, 2006).~~

## Bush Fire Emergency Management

B25. Prior to the commencement of operation, the Applicant must prepare and implement a Bush Fire Emergency Management and Evacuation Plan which is consistent with the requirements of *Development Planning – A Guide to Developing a Bush Fire Emergency Management and Evacuation Plan* (RFS, 2014).

## BIODIVERSITY AND BIOSECURITY

### Pre-Clearing Surveys

B26. Prior to the commencement of construction, the Applicant must clearly delineate areas to be cleared for the construction of the data centre and associated infrastructure. The Applicant must carry out pre-clearing surveys to identify any native fauna and implement procedures for the safe relocation of native fauna by a suitably qualified ecologist, prior to clearing.

B26A. Prior to the commencement of refurbishment works associated with the office building at 2 Apollo Place (Lot 7 DP 241877), the Applicant must ensure:

- (a) the office building and associated structures are inspected by a suitably qualified ecologist for the presence of microbats; and
- (b) any non-threatened bats found during the inspection are safely relocated to adjacent bushland areas by a suitably qualified ecologist.

Where bats cannot be reached to be relocated or are likely to be in torpor, the Applicant must implement an alternative relocation procedure, in consultation with the EES Group.



B26B. Should the microbat inspection (required by Condition B26A) indicate the presence of threatened bats at 2 Apollo Place (Lot 7 DP 241877), the Applicant must prepare a Microbat Management Plan (MMP) for the development, to the satisfaction of the Planning Secretary. The MMP must be:

- (a) prepared by a suitably qualified ecologist; and
- (b) prepared in consultation with the EES Group.

The Applicant must implement the most recent version of the MMP approved by the Planning Secretary for the duration of refurbishment works associated with the office building at 2 Apollo Place (Lot 7 DP 241877).

## Temporary Fencing of Restoration Areas

B27. Prior to the commencement of construction, the Applicant must ensure all vegetation restoration areas identified in the EIS are protected by suitable temporary fencing and signage.

B28. The temporary fencing and signage required by Condition B27 must be implemented for the duration of construction.

## Biodiversity Offsets Scheme

B29. Prior to undertaking any clearing of 'Smooth-barked Apple – Red Bloodwood open forest on enriched sandstone slopes around Sydney and the Central Coast (PCT 1776)', or activities that have the potential to impact upon this plant community type, the Applicant must purchase and retire **FOURTEEN (14)** ecosystem credits to offset the removal/disturbance of 0.66 ha of native vegetation at the site. The ecosystem credits must be retired in accordance with the requirements of the EES Group's Biodiversity Offsets Scheme and the *Biodiversity Conservation Act 2016*.

B29A. Prior to undertaking any clearing of 'Smooth-barked Apple – Red Bloodwood open forest on enriched sandstone slopes around Sydney and the Central Coast (PCT 1776)', or activities that have the potential to impact upon this plant community type under SSD-9741-Mod-2, the Applicant must purchase and retire **ONE (1)** ecosystem credit to offset the removal/disturbance of 0.005 ha of native vegetation at the site. The ecosystem credits must be retired in accordance with the requirements of the EES Group's Biodiversity Offsets Scheme and the *Biodiversity Conservation Act 2016*.

B30. The requirement to retire **FOURTEEN (14)** ecosystem credits (see Condition B29) and **ONE (1)** ecosystem credit (see Condition B29A) 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.

B31. The Applicant must provide the Planning Secretary with evidence that:

- (a) the retirement of ecosystem credits has been completed (see Condition B29 and Condition B29A); or
- (b) a payment has been made to the Biodiversity Conservation Fund (see Condition B30),

prior to undertaking any clearing of PCT 1776, or activities that have the potential to impact upon this plant community type.

## Vegetation Management Plan

B32. The Applicant must implement the updated Vegetation Management Plan (the updated VMP) prepared by TBE Environmental Pty Ltd (dated 22 January 2020, Ref: 18AWE02UV) for the duration of the development.

~~(a) update the Vegetation Management Plan (the updated VMP) included in the EIS in accordance with the letter titled 'Response to submission received for State Significant Development No. 9741 from DPIE', prepared by TBE Environmental Pty Ltd (dated 17 October 2019, Ref: 18AWE02T) prior to the commencement of construction; and~~

~~(b) implement the updated VMP for the duration of the development.~~

B33. Where revisions are made to updated VMP (including those required by Condition B32), the Applicant must ensure the revised plan:

- (a) is prepared by a suitably qualified and experienced person(s);
- (b) is prepared in consultation with the EES Group and Council;
- (c) is submitted to the Planning Secretary for approval; and
- (d) continues to detail the measures which will be implemented to minimise impacts upon flora and fauna.

The Applicant must implement the most recent version of the updated VMP approved by the Planning Secretary for the duration of the development.

## Updated Landscape Plans

B33A. Within three months of the date of approval of SSD-9741-Mod-1, the Applicant must update the landscape plans referenced in Appendix 1 to the satisfaction of the Planning Secretary. The updated landscape plans must align with the updated VMP (see Condition B32), and ensure all trees removed from the site are replaced at a ratio greater than 1:1.

## Pests, Vermin and Noxious Weed Management

B34. The Applicant must:

- (a) implement suitable measures to manage pests, vermin and declared noxious 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 noxious weeds are not present on site in sufficient numbers to pose an environmental hazard, or cause the loss of amenity in the surrounding area.

**Note:** For the purposes of this condition, noxious weeds are those species subject to an order declared under the Biosecurity Act 2015.

## TRAFFIC AND ACCESS

### Construction Traffic Management Plan

B35. The Applicant must implement the Construction Traffic Management Plan (the CTMP) prepared by GTA Consultants (NSW) Pty Ltd (dated 22 January 2020, Issue B) for the duration of construction.

~~Prior to the commencement of construction, the Applicant must prepare a Construction Traffic Management Plan 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) detail heavy vehicle routes, access and parking arrangements;~~
- ~~(e) detail parking and access arrangements for construction staff vehicles;~~
- ~~(f) detail the measures which would be implemented to encourage the use of alternative transport options by construction staff (including public transport and car pooling);~~
- ~~(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 the community (including local schools), of any potential disruptions to routes.~~

B36. Where revisions are made to the CTMP, the Applicant must ensure the revised plan:

- (a) is prepared by a suitably qualified and experienced person(s);
- (b) is prepared in consultation with Council;
- (c) continues to detail:
  - (i) the measures that are to be implemented to ensure road safety and network efficiency during construction;
  - (ii) heavy vehicle routes, access and parking arrangements;
  - (iii) parking and access arrangements for construction staff vehicles;
  - (iv) the measures which would be implemented to encourage the use of alternative transport options by construction staff (including public transport and car pooling);
- (d) includes 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) includes a program to monitor the effectiveness of these measures; and
- (f) if necessary, details procedures for notifying residents and the community (including local schools), of any potential disruptions to routes.

The Applicant must implement the most recent version of the CTMP approved by the Planning Secretary for the duration of construction.

The Applicant must:

- ~~(g) not commence construction until the Construction Traffic Management Plan required by Condition B35 is approved by the Planning Secretary; and~~
- ~~(h) implement the most recent version of the Construction Traffic Management Plan approved by the Planning Secretary for the duration of construction.~~

## Parking

- B37. 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.
- B38. The Applicant must provide a minimum of fifteen (15) bicycle parking spaces on-site in accordance with the latest version of AS 2890.3-2015: *Parking facilities – Bicycle parking* (Standards Australia, 2015).

## Operating Conditions

- B39. 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 2890.2-2002: *Parking facilities – Off-street commercial vehicle facilities* (Standards Australia, 2002);
  - (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.

## Sustainable Travel and Access Plan (STAP) and Transport Access Guide (TAG)

- B40. The Applicant must implement the Sustainable Travel and Access Plan (STAP) and Transport Access Guide (TAG) included in SSD-9741-Mod-2 to encourage the use of sustainable and active transport options by operational staff.

Any revisions to the STAP and TAG must be made in consultation with Council, and a copy of the revised plan/s must be submitted to the Planning Secretary.

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

## AIR QUALITY

### Dust Minimisation

- B41. The Applicant must take all reasonable steps to minimise dust generated during all works authorised by this consent.
- B42. During construction, the Applicant must ensure that:
- (a) exposed surfaces and stockpiles are suppressed by regular watering or equivalent;
  - (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.

## SOILS, WATER QUALITY AND HYDROLOGY

### Erosion and Sediment Control

- B43. Prior to the commencement of any construction or other surface disturbance 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.

## Acid Sulfate Soils Management Plan

B44. Prior to the commencement of construction, the Applicant must prepare and implement an Acid Sulfate Soil Management Plan for the development in accordance with the *Acid Sulfate Soils Manual* (ASSMAC, 1998).

## Imported Soil

B45. 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 Department upon request.

## Discharge Limits

B46. 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

B47. 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.

## Water Management Plan

B48. Prior to the commencement of operation, the Applicant must prepare a Water Management Plan to the satisfaction of the Planning Secretary. The Water Management Plan must:

- (a) be prepared by a suitably qualified and experienced person(s);
- (b) be prepared in consultation with Council and DPIE Water;
- (c) detail water use, metering, disposal and management on-site;
- (d) contain a **Surface Water Management Plan**, including:
  - (i) a program to monitor:
    - surface water flows and quality;
    - surface water storage and use; and
    - infiltration trench operation;
  - (ii) surface water impact assessment criteria, including trigger levels for investigating and potential adverse surface water impacts; and
  - (iii) a protocol for the investigation and mitigation of identified exceedances of the surface water impact assessment criteria.

B49. The Applicant must:

- (a) not commence operation until the Water Management Plan required by Condition B48 is approved by the Planning Secretary; and
- (b) implement the most recent version of the Water Management Plan approved by the Planning Secretary for the duration of the development.

## Hydrology

B50. The Applicant must obtain any necessary water related approvals from DPIE Water in the event that groundwater is to be intercepted or extracted during construction works.

B51. The Applicant must ensure that any works within watercourses or on waterfront land is undertaken in accordance with the *Guidelines for Controlled Activities on Waterfront Land* (DoI, 2018).

## VISUAL AMENITY

### Landscaping

B52. Prior to the commencement of operation, the Applicant must prepare a Landscape Management Plan to manage the revegetation and landscaping works on-site, to the satisfaction of the Planning Secretary. The plan must:

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

- (b) ensure landscaping is undertaken in accordance with:
  - (i) the updated VMP (see Condition B32); and
  - (ii) the Landscape Plans prepared by Geoscapes (see Appendix 1 of this consent);
- (c) comply with the principles of [Appendix 4 of Planning for Bushfire Protection \(RFS, 2019\)](#);
- (d) describe the monitoring and maintenance measures to manage revegetation and landscaping works; and
- (e) be consistent with the Applicant's Management and Mitigation Measures at Appendix 2.

B53. The Applicant must:

- (a) not commence operation until the Landscape Management Plan 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 B52 for the life of the development.

## Landscaping – Two Apollo Place

B53A. Prior to the commencement of refurbishment works associated with the office building at 2 Apollo Place (Lot 7 DP 241877), the Applicant must prepare a Landscape Plan for this building. The Plan must:

- (a) be submitted to the Planning Secretary;
- (b) include details of:
  - (i) any existing native vegetation communities within the site;
  - (ii) the location, species and quantity of any new plantings;
  - (iii) the pot size of any new trees; and
  - (iv) the area/space required to allow the planted trees to grow to maturity;
- (c) include a commitment that any new plantings proposed at the building are propagated and/or sourced from local plant species (see Condition B53C); and
- (d) describe the monitoring and maintenance measures to manage the new plantings.

B53B. The Applicant must implement the most recent version of the Landscape Plan (see Condition B53A) for the duration of the development.

B53C. The Applicant must ensure that any new landscaping and/or plantings associated with the office building at 2 Apollo Place (Lot 7 DP 241877) use a diverse range of local native trees, shrubs and groundcover species (rather than exotic species or non-local native species) from the relevant existing native vegetation communities at and within the vicinity of the site.

## Lighting

B54. The Applicant must ensure the lighting associated with the development:

- (a) complies with the latest version of AS 4282-1997 – *Control of the obtrusive effects of outdoor lighting* (Standards Australia, 1997); 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

B55. Any signage associated with the data centre is to be subject to further approval.

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

## Permanent Fencing

B56. All permanent fencing must be erected in accordance with the development plans included in the EIS.

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

## ABORIGINAL HERITAGE

### Unexpected Finds Protocol

B57. 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) the EES Group must be contacted immediately.

B58. 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

- B59. 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.

## WASTE MANAGEMENT

### Site Waste Minimisation and Management Plan

- B60. The Applicant must implement the Site Waste Minimisation and Management Plan (SWMMP) included in the EIS throughout the construction and operation of the development.
- B61. Where revisions are made to the SWMMP required by Condition B60, 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 SWMMP submitted to the Planning Secretary for the duration of the development.

### Waste Storage and Processing

- B62. 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

- B63. The Applicant must assess and classify all liquid and 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.
- B64. Waste generated outside the site must not be received at the site for storage, treatment, processing, reprocessing, or disposal.
- B65. The collection of waste generated during operation of the development must be undertaken between 7:00 AM and 10:00 PM Monday to Friday.

## COMMUNITY ENGAGEMENT

- B66. The Applicant must consult with the community regularly throughout the construction of the development, including consultation with the nearby sensitive receivers identified in Figure 3 (see Appendix 2), relevant regulatory authorities, Registered Aboriginal Parties and other interested stakeholders.



## 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;
    - (ii) effectiveness of the management measures set out pursuant to paragraph (c) 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.

#### UPDATED CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN

- C2. Prior to commencement of construction, the 'Construction and Site Management Plan' prepared by A W Edwards, dated 10 September 2019 (Revision D) (the CEMP) must be updated in accordance with the requirements of Condition C1 and to the satisfaction of the Planning Secretary.
- C3. As part of the updated CEMP required under Condition C2 of this consent, the Applicant must include the following:
- (a) details of the measures that will be implemented to prevent the occurrence of turbidity plumes during construction;
  - (b) details of the vibration monitoring which would be undertaken in the vicinity of Lane Cove Tunnel assets, in consultation with TfNSW;
  - (c) Remedial Action Plan (see Condition B2);
  - (d) Construction Noise and Vibration Management Plan (see Condition B12);
  - (e) Construction Traffic Management Plan (see Condition B35);
  - (f) Erosion and Sediment Control Plan;
  - (g) Acid Sulfate Soil Management Plan (see Condition B44);
  - (h) Site Waste Minimisation and Management Plan (see Condition B60); and
  - (i) Community Consultation and Complaints Handling.
- C4. The Applicant must:
- (a) not commence construction of the development until the updated CEMP 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.

## REVISION OF STRATEGIES, PLANS AND PROGRAMS

- C5. Within three months of:
- (a) the submission of an incident report under Condition C7; 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.
- C6. 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

- C7. The Department must be notified in writing to [compliance@planning.nsw.gov.au](mailto:compliance@planning.nsw.gov.au) immediately after the Applicant becomes aware of an incident. The notification must identify the development (including the development application number and the name of the development if it has one), and set out the location and nature of the incident. Subsequent notification requirements must be given and reports submitted in accordance with the requirements set out in Appendix 4.

### Non-Compliance Notification

- C8. The Department must be notified in writing to [compliance@planning.nsw.gov.au](mailto:compliance@planning.nsw.gov.au) within seven days after the Applicant becomes aware of any non-compliance.
- C9. A non-compliance notification must identify the development and the application number for it, set out the condition of consent that the development is non-compliant with, the way in which it does not comply and the reasons for the non-compliance (if known) and what actions have been, or will be, undertaken to address the non-compliance.
- C10. A non-compliance which has been notified as an incident does not need to also be notified as a non-compliance.

### Monitoring and Environmental Audits

- C11. 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

- C12. At least 48 hours before the commencement of construction until the completion of all works under this consent, including 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;
    - (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 monthly;
    - (ix) any other matter required by the Planning Secretary; and
  - (b) keep such information up to date, to the satisfaction of the Planning Secretary.



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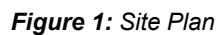
## APPENDIX 1 DEVELOPMENT LAYOUT PLANS

JOB NO.	DRAWING NO.	ISSUE	DATE	TITLE
Architectural Drawings prepared by Greenbox Architecture				
180095	ARC_0050	19	09/12/2022	Master Plan
180095	ARC_0100	23	30/11/2022	L1-Basement Floor Plan _ RL 8.4
180095	ARC_0101	23	30/11/2022	Level 2 Floor Plan _ RL 14.4
180095	ARC_0102	23	30/11/2022	Level 3 Floor Plan _ RL 20.2
180095	ARC_0103	25	30/11/2022	Level 4 Floor Plan _ RL 26.0
180095	ARC_0104	23	30/11/2022	Level 5 Floor Plan _ RL 31.8
180095	ARC_0105	25	12/04/2024	Level 6 / Roof Plan
180095	ARC_0106	06	28/09/2020	2 Apollo Place Level 1 and Roof Plan
180095	ARC_0107	05	12/04/2024	Level 7 Floor Plan _RL43.4
180095	ARC_0108	05	12/04/2024	Level 8 Floor Plan _RL49.2
180095	ARC_0115	05	28/09/2020	Link Bridge Details
180095	ARC_0120	12	28/09/2020	Substation Detail
180095	ARC_0200	23	12/04/2024	Sections 1
180095	ARC_0201	22	12/04/2024	Section 2
180095	ARC_0202	22	12/04/2024	Long Sections
180095	ARC_0300	27	12/04/2024	Elevations 1
180095	ARC_0301	28	12/04/2024	Elevations 2
180095	ARC_0500	21	12/04/2024	Visual Impact View Point Location
180095	ARC_0510	18	30/11/2022	Visual Impact Section
180095	ARC_0520	20	30/11/2022	18 Height Diagram
180095	ARC_0901	18	30/11/2022	Master Plan – Hydrant Point
180095	ARC_0902	17	30/11/2022	Indicative Phasing Plan
200053	DA_0004	09	28/09/2020	Basement Plan
200053	DA_0005	09	28/09/2020	Lower Ground Floor
200053	DA_0006	08	28/09/2020	Ground Floor Plan
200053	DA_0007	08	28/09/2020	Level 1 Plan
200053	DA_0008	09	28/09/2020	Roof Plan
200053	DA_0010	08	28/09/2020	South and East Elevation
200053	DA_0011	08	28/09/2020	West and North Elevation
Visual Impact Assessment prepared by Geoscapes				
181108	AVIA01	C	09/12/2022	Visual Impact Addendum Report
Landscape Plans prepared by Geoscapes				
181108	LDA-01	J	09/12/2022	Landscape Masterplan
181108	LDA-02	J	09/12/2022	Landscape Detailed Plan
181108	LDA-03	J	09/12/2022	Landscape Sections – AA & BB
181108	LDA-04	J	09/12/2022	Landscape Deep Soil Plan
181108	LDA-05	J	09/12/2022	Existing Tree Plan & Tree Data Table

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JOB NO.	DRAWING NO.	ISSUE	DATE	TITLE
181108	LDA-06	J	09/12/2022	Typical Landscape Details & Specifications
181108	LDA-07	J	09/12/2022	Planting Schedule
<b>Civil Plans prepared by van der Meer Consulting</b>				
SY182-105	CIV-0211	05	14/12/2022	Bulk Earthworks – Full Site
SY182-105	CIV-0212	02	20/01/2020	Bulk Sections
SY182-105	CIV-0219	05	14/12/2022	Erosion and Sediment Control
SY182-105	CIV-0411	05	14/12/2022	Drainage Layout – Full Site
SY182-105	CIV-0421	03	14/12/2022	Basement Drainage Plan – Sheet 1
SY182-105	CIV-0422	03	14/12/2022	Basement Drainage Plan – Sheet 2
SY182-105	CIV-0450	02	20/01/2020	Typical Drainage Details
SY182-105	CIV-0811	02	20/01/2020	3D Visualisation
SY182-105	CIV-0812	02	20/01/2020	Bulk Earthworks Depth Colour Map
<b>Bushfire Protection Plan prepared by Travers Bushfire &amp; Ecology</b>				
20EMKC02	BF001	01	04/09/2020	Schedule 1 – Bushfire Protection Measures

<b>PARKING SCHEDULE</b>			
	<b>1 SIRIUS ROAD LANE</b>	<b>2 APOLLO PLACE</b>	<b>TOTAL</b>
<b>NO. OF PARKING LOTS</b>	<b>49</b>	<b>43</b>	<b>92</b>
<b>NO. OF MINIBUS PARKING</b>	<b>0</b>	<b>0</b>	<b>0</b>



<b>PARKING SCHEDULE</b>			
	<b>1 SIRIUS ROAD LANE</b>	<b>2 APOLLO PLACE</b>	<b>TOTAL</b>
<b>NO. OF PARKING LOTS</b>	<b>49</b>	<b>43</b>	<b>92</b>
<b>NO. OF MINIBUS PARKING</b>	<b>0</b>	<b>0</b>	<b>0</b>





APPENDIX 2 NEARBY SENSITIVE RECEIVERS

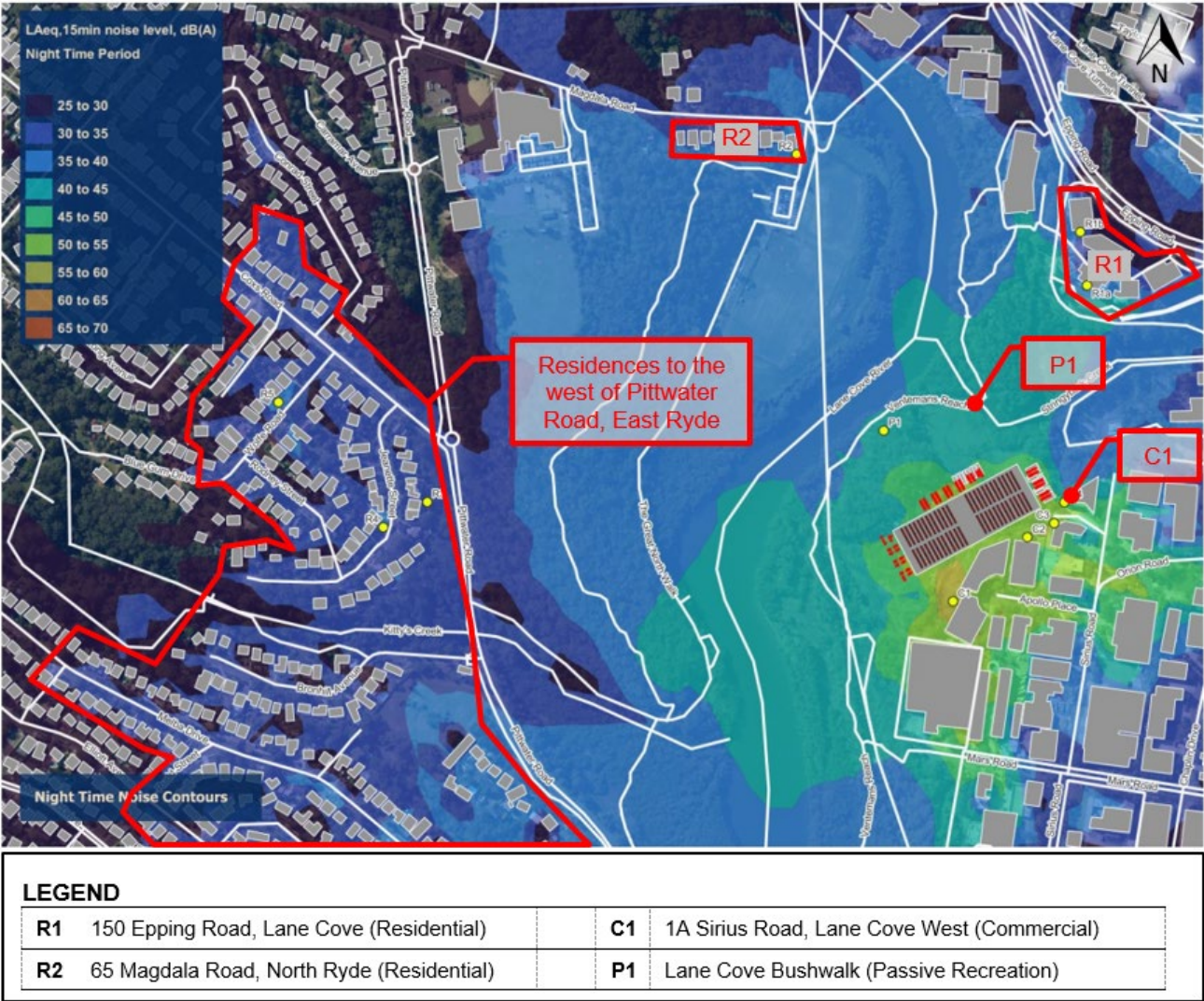


Figure 3: Nearby Sensitive Receivers

DRAFT - FOR

**APPENDIX 3    APPLICANT’S MANAGEMENT AND MITIGATION MEASURES**

DRAFT - FOR INFORMATION ONLY

## PART G MANAGEMENT AND MITIGATION MEASURES

<b>By:</b>	The Applicant
<b>In relation to:</b>	Proposed Data Centre – State Significant Development Application
<b>Site:</b>	1 Sirius Road, Lane Cove West (Lot 1 DP 1271404)

The Applicant would undertake the facilitated construction and operation of the proposed Data Centre in accordance with the following:

Below prescribes some of the terms and abbreviations used in this Statement, including:

<b>Approval</b>	The Minister's approval of the Proposed Development
<b>BCA</b>	Building Code of Australia
<b>Council</b>	Lane Cove Council
<b>Department</b>	Department of Planning, Industry and Environment
<b>EIS</b>	Environmental Impact Statement
<b>EP&amp;A Act</b>	<i>Environmental Planning and Assessment Act, 1979</i>
<b>The Applicant</b>	The Applicant
<b>Project</b>	The Proposed Development as described in this EIS
<b>Secretary General</b>	Secretary General of the Department (or delegate)
<b>Site / Subject Site</b>	Land to which the project application applies
<b>WorkCover</b>	NSW WorkCover

### ADMINISTRATIVE COMMITMENTS

#### **Commitment to Minimise Harm to the Environment**

- The Applicant would 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 project.

#### **Occupation Certificate**

- The Applicant would ensure a staged Interim and Final Occupation Certificate is obtained prior to the occupation of the facilities.

#### **Terms of Approval**

- The Applicant would carry out the project generally in accordance with the:
  - Environmental Impact Statement;
  - Drawings prepared by The Applicant;
  - Management and Mitigation Measures;
  - Any Conditions of Approval.
- If there is any inconsistency between the above, the Conditions of Approval shall prevail to the extent of the inconsistency.
- The Applicant would ensure compliance with any reasonable requirement/s of the Secretary-General of the Department of Planning, Industry and Environment arising from the Department's assessment of:
  - Any reports, plans, programs, strategies or correspondence that are submitted in accordance with this Approval; and
  - 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.

#### **Structural Adequacy**

6. The Applicant would ensure that all new buildings and structures data centre buildings and ancillary offices) on the Site are constructed in accordance with the relevant requirements of the BCA.

## **Operation of Plant and Equipment**

7. The Applicant would ensure that all plant and equipment used on the Site is maintained and operated in proper and efficient manner, and in accordance with relevant Australian Standards.

## **Construction Traffic Management Plan**

8. The Applicant would ensure a Construction Traffic Management Plan is prepared and submitted to DPIE. This plan would:
- a) be submitted to the Secretary-General for approval prior to the commencement of construction;
  - b) describe the traffic volumes and movements to occur during construction;
  - c) detail proposed measures to minimise the impact of construction traffic on the surrounding network, including driver behaviour and vehicle maintenance; and,
  - d) detail the procedures to be implemented in the event of a complaint from the public regarding construction traffic.

## **Contractors Environmental Management Plan**

9. Prior to the commencement of construction, a Contractors Environmental Management Plan (CEMP) would be prepared that addresses the following:
- a)
    - a) Land Contamination;
    - b) Air Quality;
    - c) Waste Classification;
    - d) Erosion and Sediment Control; and,
    - e) Materials Management Plan

## **Monitoring of State of Roadways**

10. The Applicant should monitor the state of roadways leading to and from the Site and should take all necessary steps to clean up any adversely impacted road pavements as directed by Council.

## **Waste Receipts**

11. A permanent record of receipts for the removal of both liquid and solid waste from the Site should be kept and maintained up to date at all times. Such record is to be made available to authorised person upon request.

## **SPECIFIC ENVIRONMENTAL COMMITMENTS**

### **Noise**

12. Construction on the Site would only be undertaken between 7am and 6pm Monday to Friday, and 7am and 1pm on Saturdays. No construction would be allowed on Site on Sundays or public holidays. The following specific measures are proposed throughout the construction and operational phases of development:
- b) Prompt response to any community issues of concern;
  - c) Noise monitoring on site and within the community;
  - d) Refinement of onsite noise mitigation measures and plant operating procedures where practical;
  - e) Preparation of a formal noise management plan including noise monitoring program;
  - f) For equipment with enclosures (i.e. compressor rooms) ensure door and seals are well maintained and kept closed when not in use;
  - g) Keep plant and equipment well maintained, regular inspection and maintenance of equipment to ensure it is good working order;
  - h) Equipment not to be operated until it is maintained or repaired;
  - i) Regularly train workers (ie toolbox talks) to use equipment in ways to minimise noise;
  - j) Operate mobile plant in a quiet, efficient manner;
  - k) Switching off vehicles and plant when not in use; and,



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- l) Incorporate clear signage at the Site including relevant contact numbers for community enquiries.
13. Prior to issue of an Occupation Certificate, the **recommendations provided in the AirTrunk SYD2 – Updated Acoustic Treatment Summary prepared by Pulse White Noise Acoustics and dated 9 April 2024 should be acknowledged and adhered to accordingly.**

## **Air Construction Traffic**

14. During construction:

- all trucks entering or leaving the Site with loads have their loads covered;
- trucks associated with the project do not track dirt onto the public road network; and,
- the public roads used by these trucks are kept clean.

## **Dust Management**

15. During the construction phase of the project, all reasonable and feasible measures must be considered to minimise the dust generated by the project. These include:

Source	Control Measures
<b>General</b>	
Visual Inspection	Carry out visual inspections of the Site during site preparatory / construction activities and employ measures where necessary to minimise any visible air pollution generated by the Project.
Regular Maintenance	Regularly inspect and perform maintenance on dust control technologies (i.e. water sprays nozzles) and measures to ensure the effectiveness of these controls.
Erosion Control Structures	Silt and other material removed frequently from around erosion control structures to ensure deposits do not become a dust source.
Vegetated Buffers	Retain existing vegetation where appropriate and implement additional vegetated buffers around the boundary of the site to provide act as a physical barrier to the transport of pollutants in the direction of sensitive receptors.
Waste Materials	<p>Cleared vegetation, demolition materials and other combustible waste material shall not be burnt on site.</p> <p>All waste materials be appropriately contained (in skips, bins) and covered during adverse weather conditions and handled in accordance with the site's Waste Management Plan.</p>
<b>Wind Blown Dust Sources</b>	
Disturbed Areas	<ul style="list-style-type: none"> <li>- Disturb only the minimum area necessary.</li> <li>- Stabilise all disturbed areas as soon as practicable to prevent or minimise windblown dust.</li> <li>- Rehabilitate disturbed areas as soon as practicable with a layer of inert material and vegetation (generally a minimum of 500mm).</li> <li>- Regularly assess weather conditions to identify adverse weather conditions that are unfavourable in terms of dust levels at receptor locations surrounding the Site (i.e. on dry days, during strong winds, and particularly north easterly winds blowing in direction of the school).</li> </ul>
Stockpile/s	<ul style="list-style-type: none"> <li>- Water sprays and/or covers would be employed for material stockpiles, particularly during adverse weather conditions, to minimise dust generation.</li> <li>- Stockpiles would be covered overnight.</li> <li>- Use of chemical dust suppressants would also be used where necessary.</li> <li>- Fencing, bunding or shelterbelts used to reduce ambient wind speeds (in some areas).</li> </ul>

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Source	Control Measures
Transportation (Trucks)	<ul style="list-style-type: none"> <li>Truck loads covered with tarpaulin or lid prior to transport of dusty materials by road.</li> <li>Minimise truck queuing and unnecessary trips through logistical planning of materials delivery and work practices.</li> <li>Reduce vehicle / truck idling times.</li> <li>Maintain a following distance of trucks of 20 seconds minimum to allow for dust clouds generated by the lead truck to dissipate.</li> <li>Install a truck wheel wash or shaker grid to remove any loose dirt.</li> </ul>
<b>Activity Generated Dust Sources</b>	
Internal Road Dust	<ul style="list-style-type: none"> <li>Roads and trafficked areas would be watered down using a water cart and/or sprinkler to minimise the generation of dust.</li> <li>Haulage vehicles would be restricted to the most direct route and minimal manoeuvring areas to prevent indiscriminate driving over non-active areas.</li> <li>Haul roads and hard stand areas would have designated speed limits (ie generally 20 km/hour).</li> <li>Enforce speed limits on all on-site vehicles to minimise wheel-generated dust.</li> <li>Stabilise access roads and work areas as soon as practicable to prevent or minimise windblown dust.</li> <li>Maintain roads on a regular basis to ensure roads are clearly marked, pot holes and corrugations are eliminated, and extra material build up is removed or redistributed on the road.</li> <li>Chemical dust suppressants used where necessary.</li> </ul>
External Road Dust	<ul style="list-style-type: none"> <li>Vehicles causing dirt track out onto main roads would be cleaned up on a regular basis to prevent this becoming an additional source of dust.</li> <li>Material spillages would be cleaned up promptly.</li> </ul>
Excavation	<ul style="list-style-type: none"> <li>Apply water sprays to trucks and loading points for dust suppression.</li> </ul>
Loading and Dumping	<ul style="list-style-type: none"> <li>Dump heights would be minimised wherever possible (reduce to 5 m).</li> </ul>
Plant and Equipment	<ul style="list-style-type: none"> <li>All plant and equipment used during mining activities would be maintained and operated in a proper and efficient condition.</li> <li>Reduce idling times of trucks and other machinery.</li> <li>Fixed plant should be located as far from local receptors as possible.</li> </ul>
<b>Excessive Dust Events</b>	
Internal Roads	<ul style="list-style-type: none"> <li>Employ additional water spraying / water carts.</li> <li>Further reduce speed on haul roads during high winds.</li> <li>Halt traffic movements.</li> </ul>
Stockpiles	<ul style="list-style-type: none"> <li>Cover stockpiles of material.</li> </ul>
Project Site	<ul style="list-style-type: none"> <li>Temporarily halt activities and resume once weather conditions have improved.</li> </ul>

### **Waste Management**

16. [The Applicant](#) would ensure that all waste generated on-site during operation is classified in accordance with the Office of Environmental and Heritage's *Waste Classification Guidelines: Part 1 Classifying Waste* and disposed of to a facility that may lawfully accept the waste.

### **Erosion and Sediment Control**

17. [The Applicant](#) would install silt traps during the construction phase to ensure there are no pollutants or sediments that exit the Site or unacceptable impacts that would result on surrounding vegetation or waterways.

### **Protection of Biodiversity and Vegetation**

18. [The Applicant](#) would mark on site with temporary fencing, the clearance boundaries prior to commencement of any construction to ensure that there is no unnecessary removal of vegetation. The fencing must be regularly checked and maintained throughout construction.

19. The Applicant would undertake a pre-clearance survey of the buildings, immediately prior to clearing, alongside a qualified ecologist. Any bats occupying the buildings will be relocated (where feasible) to bushland immediately adjacent to the site. Where bats cannot be reached to be relocated, an alternative approach to their relocation will be discussed with the NSW DPIE.
20. The Applicant would endorse the program of works outlined within the Vegetation Management Plan in relation to enacting revegetation, regeneration, maintenance, monitoring and review.
21. The Applicant would adhere to the conditions agreed to in relation to the NSW DPIE's – Environment, Energy and Science Group (EES) including:
  - a) The revegetation areas of contaminated land including the riparian corridor of Stringybark Creek; the fire trail and the vegetated areas of the APZ are to be planted with a diversity of appropriate local native plant species from the native vegetation community (or communities) that occur, or once occurred, on the site.
  - b) The revegetation areas and landscaped areas must a diversity of local provenance species (trees, shrubs and groundcovers) from the native vegetation community (or communities) that occurs, or once occurred, on the site.
  - c) Any native trees that are required to be cleared from the site shall be salvaged (for example tree hollows and tree trunks which are greater than approximately 25-30 cm in diameter and 3 m in length) and placed in the revegetation and regeneration areas to enhance habitat.
  - d) Seed from any native plants to be removed shall be collected and used in the revegetation and regeneration areas landscape areas.
  - e) Any trees that are to be removed from the site are replaced at a ratio greater than 1:1.
  - f) Any tree hollows to be removed are to be replaced at a ratio greater than 1:1.

## **Aboriginal Heritage**

22. During works, The Applicant would notify the NSW Office of Environment and Heritage should an Aboriginal site and/or object be recorded in the Aboriginal Heritage Information Management System (AHIMS).

## **Ecologically Sustainable Development**

23. The Applicant would investigate the following ESD measures in respect of:

- a) Energy & Greenhouse Gas Emissions;
- b) Potable water reduction;
- c) Minimising waste to landfill;
- d) The Indoor Environment;
- e) Occupant amenity and comfort;
- f) Land Use & Ecology;
- g) Emissions; and,
- h) Building Management

## **Bushfire Protection**

24. The Applicant would ensure that:

- a) At the commencement of construction, and in perpetuity, the Applicant must manage the area around the data centre building and its associated infrastructure as an asset protection zone as outlined in [Appendix 4 of Planning for Bush Fire Protection \(RFS, 2019\)](#) and Standards for asset protection zones (RFS, 2005). This is to be performed as outlined in the addendum bushfire protection assessment for the development prepared by TBE Environmental Pty Ltd ([dated 17 September 2020, Ref: 20EMKC02 / 18AWE02:NvD/JT and as amended by the updated report ref: 18AWE02.6 27 September 2022](#)) and as follows:

- North-east: IPA for a distance of 24 m (residue of site located towards the north-east to be revegetated to a riparian corridor);
- South-west: IPA for a distance of 25-34 m;
- South: IPA for a distance of 25 m; and,
- North: IPA for a distance of 7-23 m.

- b) The provision of water, electricity and gas shall comply with Section 4.1.3 of PBP 2006.
- c) The proposed property access road (driveway) shall comply with Section 4.1.3 (2) of PBP 2006.
- d) Fire trails shall comply with the performance criteria outlined in Section 4.1.3 (3) of PBP 2006.
- e) Arrangements for emergency and evacuation are to comply with Section 4.2.7 of PBP 2006, including the preparation of an emergency/ evacuation plan consistent with the NSW RFS document titled Guidelines for the Preparation of Emergency / Evacuation Plan.
- f) Construction of the proposed data hall's south-eastern elevation of the data centre and on-site substation shall comply with Sections 3 & 8 (BAL 40) of *AS 3959-2018 Construction of buildings in bush fire-prone areas* (Standards Australia, 2018) or the *NASH Standard (1.7.14 updated) – Steel Framed Construction in Bushfire Areas* (NASH, 2014) as appropriate and *section 7.5 of Planning for Bushfire Protection* (RFS, 2019).
- g) Construction of the proposed data halls north-eastern, north-western and south-western elevations and roofing shall comply with Section's 3 & 9 (BAL FZ) of *AS 3959-2018 Construction of buildings in bush fire-prone areas* (Standards Australia, 2018) or the *NASH Standard (1.7.14 updated) – Steel Framed Construction in Bushfire Areas* (NASH, 2014) as appropriate and *Section 7.5 of Planning for Bushfire Protection* (RFS, 2019). Except for windows, flaming of the specimen is not permitted and there shall be no exposed timber.
- h) Construction of the proposed external plant platforms shall comply with Sections 3 & 9 (BAL FZ) of *AS 3959-2018: Construction of buildings in bush fire-prone areas* (Standards Australia, 2018) or the *NASH Standard (1.7.14 updated) – Steel Framed Construction in Bushfire Areas* (NASH, 2014) as appropriate and *section 7.5 of Planning for Bushfire Protection* (RFS, 2019). Except for windows, materials that would flame and / or combust are not permitted and there must be no exposed timber.
- i) Radiant heat shields are to be provided to the generator platforms to prevent flame contact and reduce radiant heat exposure on the structures / machinery.
- j) Landscaping to the site is to comply with the principles of *Appendix 5 of PBP 2019*.
- k) Prior to the commencement of operation, *The Applicant* must prepare and implement a Bush Fire Emergency Management and Evacuation Plan which is consistent with the requirements of *Development Planning – A Guide to Developing a Bush Fire Emergency Management and Evacuation Plan* (RFS, 2014).
- l) *The existing office building (2 Apollo Place) is to be upgraded to be upgrade for ember protection as follows:*
  - Openable windows, vents and weepholes shall be externally screened with corrosion resistant steel, bronze or aluminum mesh screens having a maximum aperture size of 2 mm.
  - The base of external side hung doors are fitted with weather strips, drought excluders or drought seals where the doors do not close on a rebated edge.
- m) *The proposed link bridge and any building additions / refurbishments at 2 Apollo Place is to comply with sections 3 and 6 (BAL 19) of AS 3959-2018: Construction of buildings in bushfire-prone areas* (Standards Australia, 2018) or the *NASH Standard (1.7.14 updated) – Steel Framed Construction in Bushfire Areas* (NASH, 2014).

## **Dangerous Goods**

25. *The Applicant* would ensure that:

- a) The tank fill points shall be provided with impact protection.
- b) Tank fill points shall be provided with signage clearly identifying the location of the fill points.
- c) The tanks shall be provided with high level monitoring and alarms per Clause 5.3.3 of AS 1940-2017.
- d) At least one powder type extinguisher shall be accessible within 10 m of the diesel tanks.
- e) The hydrant system shall be able to provide at least 20 L/s.

## APPENDIX 4 INCIDENT NOTIFICATION AND REPORTING REQUIREMENTS

### WRITTEN INCIDENT NOTIFICATION REQUIREMENTS

1. A written incident notification addressing the requirements set out below must be emailed to the Department at the following address: [compliance@planning.nsw.gov.au](mailto:compliance@planning.nsw.gov.au) within seven days after the Applicant becomes aware of an incident. Notification is required to be given under this condition even if the Applicant fails to give the notification required under Condition C7 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.