

# Development Consent

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

As delegate of the Minister for Planning and Public Spaces under delegation executed on 9 March 2022, I approve the Development Application referred to in Schedule 1, subject to the conditions specified in Schedule 2.

These conditions are required to:

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



Chris Ritchie  
**Acting Executive Director**  
**Energy, Resources and Industry Assessments**

Sydney

13 July 2023

File: EF20/29942

### SCHEDULE 1

<b>Application Number:</b>	SSD-10101987
<b>Applicant:</b>	Arup Pty Ltd
<b>Consent Authority:</b>	Minister for Planning and Public Spaces
<b>Site:</b>	Lots X & Y in DP 421633 and Lot 22 DP 258414 707-769 Mamre Road, Kemps Creek
<b>Development:</b>	The construction and operation of a data centre including electrical switchyard, associated office space, supporting infrastructure and services, car parking and landscaping.

## TABLE OF CONTENTS

<b>DEFINITIONS .....</b>	<b>III</b>
<b>PART A ADMINISTRATIVE CONDITIONS.....</b>	<b>6</b>
Obligation to Minimise Harm to the Environment.....	6
Terms of Consent .....	6
Limits of Consent.....	6
Notification of Commencement.....	6
Evidence of Consultation .....	6
Staging, Combining and Updating Strategies, Plans or Programs .....	7
Protection of Public Infrastructure.....	7
Structural Adequacy .....	7
Compliance.....	7
Planning Agreement .....	7
operation of plant and equipment .....	7
External Walls and Cladding.....	8
Utilities and Services .....	8
Work as Executed Plans.....	8
Applicability of Guidelines.....	8
<b>PART B SPECIFIC ENVIRONMENTAL CONDITIONS.....</b>	<b>9</b>
Noise .....	9
Vibration .....	11
Air Quality .....	11
Hazards and Risk .....	12
Traffic and Access .....	13
Soils, Water Quality and Hydrology .....	14
Aboriginal Heritage .....	16
Waste Management.....	16
Contamination .....	16
bushfire.....	16
Visual Amenity.....	17
<b>PART C ENVIRONMENTAL MANAGEMENT, REPORTING AND AUDITING .....</b>	<b>18</b>
Environmental Management.....	18
Construction Environmental Management Plan.....	18
Operational Environmental Management Plan .....	18
operational complaints handling protocol.....	19
Revision of Strategies, Plans and Programs .....	19
Reporting and Auditing .....	19
Access to Information .....	21
<b>APPENDIX 1 DEVELOPMENT LAYOUT PLANS.....</b>	<b>22</b>
<b>APPENDIX 2 APPLICANT'S MANAGEMENT AND MITIGATION MEASURES .....</b>	<b>26</b>
<b>APPENDIX 3 NOISE RECEIVER LOCATIONS.....</b>	<b>27</b>
<b>APPENDIX 4 INCIDENT NOTIFICATION AND REPORTING REQUIREMENTS .....</b>	<b>28</b>

## DEFINITIONS

<b>Applicant</b>	Arup Pty Ltd, or any person carrying out any development to which this consent applies
<b>BCA</b>	Building Code of Australia
<b>BC Act</b>	<i>Biodiversity Conservation Act 2016</i>
<b>Calendar year</b>	A period of 12 months commencing on 1 January
<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>Certifier</b>	A council or an accredited certifier (including principal certifiers) who is authorised under section 6.5 of the EP&A Act to issue Part 6 certificates
<b>CEMP</b>	Construction Environmental Management Plan
<b>Conditions of this consent</b>	Conditions contained in Schedule 2 of this document
<b>Construction</b>	The carrying out of works for the purpose of the development, including bulk earthworks, and erection of buildings and other infrastructure permitted by this consent.
<b>Council</b>	Penrith City Council
<b>Day</b>	The period from 7 am to 6 pm on Monday to Saturday, and 8 am to 6 pm on Sundays and Public Holidays
<b>Department</b>	NSW Department of Planning and Environment
<b>Development</b>	The development described in Schedule 1, the EIS and Response to Submissions, including the works and activities comprising the construction and operation of a data centre including electrical switchyard, associated office space, supporting infrastructure and services, car parking and landscaping, as modified by the conditions of this consent
<b>Development layout</b>	The plans at Appendix 1 of this consent
<b>DPE</b>	Department of Planning and Environment
<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>EHG</b>	Environment and Heritage Group of the Department
<b>EIS</b>	The Environmental Impact Statement titled <i>Environmental Impact Statement Proposed Data Centre 707-769 Mamre Road, Kemps Creek</i> , prepared by Willowtree Planning Pty Ltd dated 6 September 2021, submitted with the application for consent for the development
<b>ENM</b>	Excavated Natural Material
<b>Environment</b>	As defined in section 1.4 of the EP&A Act
<b>EPA</b>	NSW Environment Protection Authority
<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 2021
<b>EPBC Act</b>	<i>Environment Protection and Biodiversity Conservation Act 1999</i>
<b>Evening</b>	The period from 6 pm to 10 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

<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 Note: "material harm" is defined in this consent
<b>Land</b>	Has the same meaning as the definition of the term in section 1.4 of the EP&A Act
<b>Load curtailment</b>	Means the use of the back-up generator system to reduce the development's use of electricity from the National Electricity Market, and does not include instances where load shedding is initiated by the Australian Energy Market Operator in accordance with the National Electricity Rules
<b>Material harm</b>	Is harm that: <ul style="list-style-type: none"> <li>a) involves actual or potential harm to the health or safety of human beings or to the environment that is not trivial, or</li> <li>b) 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>Monitoring</b>	Any monitoring required under this consent must be undertaken in accordance with section 9.40 of the EP&A Act
<b>MRP</b>	Mamre Road Precinct
<b>Night</b>	The period from 10 pm to 7 am on Monday to Saturday, and 10 pm to 8 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>NRAR</b>	Natural Resources Access Regulator, DPE
<b>OEMP</b>	Operational Environmental Management Plan
<b>Operation</b>	The use of the data centre and/or ancillary office space, as described in the EIS and RTS and as modified by the conditions of consent
<b>PA</b>	Means a planning agreement within the meaning of the term in section 7.4 of the EP&A Act
<b>Principal Certifier</b>	The certifier appointed as the principal certifier for the building work under section 6.6(1) of the EP&A Act
<b>Planning Secretary</b>	Secretary of the Department, or delegate
<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 2010</i> " (DECCW)
<b>Rehabilitation</b>	The restoration of land disturbed by the development to a good condition, to ensure it is safe, stable and non-polluting
<b>Response to Submissions (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 document titled <i>Response to Submissions Proposed Data Centre</i> , prepared by Willowtree Planning Pty Ltd and dated 6 October 2022
<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
<b>Site</b>	The land defined in Schedule 1
<b>SSD-9522</b>	The development consent, as modified, granted by the then Executive Director, Energy Industry and Compliance under delegation from the then Minister for Planning

	and Public Spaces, for the Kemps Creek Warehouse, Logistics and Industrial Facilities Hub (Applicant number SSD-9522)
<b>TfNSW</b>	Transport for New South Wales
<b>VENM</b>	Virgin Excavated Natural Material
<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 Response to Submissions;
  - (d) in accordance with the Development Layout in Appendix 1; and
  - (e) in accordance with the management and mitigation measures in Appendix 2.
- A3. Consistent with the requirements in this consent, the Planning Secretary may make written directions to the Applicant in relation to:
- (a) the content of any strategy, study, system, plan, program, review, audit, notification, report or correspondence submitted under or otherwise made in relation to this consent, including those that are required to be, and have been, approved by the Planning Secretary; and
  - (b) the implementation of any actions or measures contained in any such document referred to in condition A3(a).
- A4. The conditions of this consent and directions of the Planning Secretary prevail to the extent of any inconsistency, ambiguity or conflict between them and a document listed in condition A2(c) or A2(e). In the event of an inconsistency, ambiguity or conflict between any of the documents listed in condition A2(c) or A2(e), the most recent document prevails to the extent of the inconsistency, ambiguity or conflict.

#### LIMITS OF CONSENT

##### Lapsing

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

##### Back-up Generator System

- A6. The Applicant must ensure:
- (a) operation of the back-up generators (including testing) does not exceed 200 hours per year; and
  - (b) the diesel fuel storage capacity of the site does not exceed 2,000 tonnes at any one time.

**Note:** For the purposes of condition A6, calculation of how many hours the back-up generators are tested, as a collective, should be based on the hours (in real time) that testing is in fact undertaken at the site per year. For example, five generators being tested concurrently over the course of an hour would count as one hour towards the threshold stipulated by condition A6, rather than five hours.

- A7. This development consent does not permit the use of the back-up generators:
- (a) for the purpose of generating electricity to be exported off-site; or
  - (b) to support load curtailment at the site.

#### 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 with 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 other timeframe agreed with 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 of the development, 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.

#### **STRUCTURAL ADEQUACY**

- A16. 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:
- (a) the relevant requirements of the NCC;

**Note:**

- Under Part 6 of the EP&A Act, the Applicant is required to obtain construction and occupation certificates for the proposed building works.
- The EP&A (Development Certification and Fire Safety) Regulation 2021 sets out the requirements for the certification of the development.

#### **COMPLIANCE**

- A17. 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.

#### **PLANNING AGREEMENT**

- A18. Prior to issue of any Construction Certificate (or at a time otherwise agreed by Council), the Applicant must pay the required contribution to Penrith City Council in accordance with the Planning Agreement relating to the development, executed on 7 June 2023.

#### **OPERATION OF PLANT AND EQUIPMENT**

- A19. 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**

- A20. The external walls of all buildings including additions to existing buildings must comply with the relevant requirements of the BCA.
- A21. Prior to the issuing of:
  - (a) any Construction Certificate relating to the construction of external walls (including the installation of finishes and claddings such as synthetic or aluminium composite panels); and
  - (b) an Occupation Certificate,the Applicant must provide the Certifier with documented evidence that the products and systems proposed for use or used in the construction of external walls (including finishes and claddings such as synthetic or aluminium composite panels) comply with the requirements of the BCA.
- A22. The Applicant must provide a copy of the documentation given to the Certifier to the Planning Secretary within seven days after the Certifier accepts it.

### **UTILITIES AND SERVICES**

- A23. Before the construction of any utility works associated with the development, the Applicant must obtain relevant approvals from service providers.
- A24. Before the commencement of operation of the development, the Applicant must obtain a Compliance Certificate for water and sewerage infrastructure servicing of the site under section 73 of the *Sydney Water Act 1994*.
- A25. Within six months of the commencement of construction of the data centre building, or as otherwise agreed to in writing by the Planning Secretary, the Applicant (whether or not a constitutional corporation) is to provide evidence, satisfactory to the Certifier, the arrangements have been made for:
  - (a) the installation of fibre-ready facilities to all individual lots and/or premises in the development to enable fibre to be readily connected to any premises that is being or may be constructed on those lots; and
  - (b) the provision of fixed-line telecommunications infrastructure in the fibre-ready facilities to all individual lots and/or premises in the development demonstrated through an agreement with a carrier.
- A26. Before the issuing of the Occupation Certificate for the development the Applicant must demonstrate that the carrier has confirmed in writing it is satisfied that the fibre-ready facilities are fit-for-purpose.

### **WORK AS EXECUTED PLANS**

- A27. Before the issuing of the Occupation Certificate for the development, 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 Principal Certifier.

### **APPLICABILITY OF GUIDELINES**

- A28. 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.
- A29. However, consistent with the conditions of this consent and without altering any limits or criteria in this consent, the Planning Secretary may, when issuing directions under this consent in respect of ongoing monitoring and management obligations, require compliance with an updated or revised version of such a guideline, protocol, Standard or policy, or a replacement of them.

### **ADVISORY NOTES**

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



## PART B SPECIFIC ENVIRONMENTAL CONDITIONS

### NOISE

#### Hours of Work

- B1. The Applicant must comply with the hours detailed in Table 1, unless otherwise agreed in writing by the Planning Secretary.

**Table 1** Hours of Work

Activity	Day	Time
Construction	Monday – Friday Saturday	7 am to 6 pm 8 am to 1 pm
Operation (excluding back-up generator testing)	Monday – Sunday	24 hours
Back-up generator testing	Monday – Saturday Sunday & Public Holidays	7 am to 6 pm 8 am to 6 pm

- B2. Works outside of the hours identified in condition B1 may be undertaken in the following circumstances:
- works that are inaudible at the nearest sensitive receivers;
  - works agreed to in writing by the Planning Secretary;
  - for the delivery of materials required outside these hours by the NSW Police Force or other authorities for safety reasons; or
  - where it is required in an emergency to avoid the loss of lives, property or to prevent environmental harm.

#### Construction Noise Limits

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

#### Construction Noise Management Plan

- B4. The Applicant must prepare a Construction Noise Management Plan for the development to the satisfaction of the Planning Secretary. The Plan must form part of a CEMP in accordance with condition C2 and must
- be prepared by a suitably qualified and experienced noise expert;
  - be approved by the Planning Secretary prior to the commencement of construction of each stage of the development;
  - 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);
  - describe the measures to be implemented to manage high noise generating works;
  - detail procedures for coordinating construction works with other developments in the immediate vicinity to minimise cumulative noise impacts;
  - describe the community consultation undertaken in relation to construction noise management and outline any strategies development with the community to manage high noise generating works, or to provide respite periods; and
  - include a complaints management system that would be implemented for the duration of the development.
- B5. The Applicant must:
- not commence construction of any relevant stage of the development until the Construction Noise Management Plan required by condition B4 is approved by the Planning Secretary; and
  - implement the most recent version of the Construction Noise Management Plan approved by the Planning Secretary for the duration of construction.

#### Operational Noise Limits

- B6. 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 L <sub>Aeq</sub> (15 minute)	Evening L <sub>Aeq</sub> (15 minute)	Night L <sub>Aeq</sub> (15 minute)
Residential receivers near Medinah Avenue (Luddenham)	37	32	28
Residences within the MRP	48	40	38

**Note** Noise generated by the development is to be measured in accordance with the relevant procedures and exemptions (including certain meteorological conditions) of the NSW Noise Policy for Industry (EPA, 2017) (as may be updated or replaced from time to time). Refer to the plan in Appendix 3 for the location of residential sensitive receivers.

B7. The Applicant must ensure the operation of plant and equipment does not generate intermittent noise at receiver locations identified in Table 2 in accordance with Fact Sheet C of the NSW Noise Policy for Industry (EPA, 2017).

#### Noise Verification

B8. Within three months of the commencement of earthworks for the development, the Applicant must prepare and submit a Design Noise Verification Report for the development to the satisfaction of the Planning Secretary. The Applicant must not commence construction of any data centre building until the Design Noise Verification Report is approved by the Planning Secretary. The Design Noise Verification Report must:

- (a) be prepared by a suitably qualified, experienced and independent acoustic consultant;
- (b) identify and justify the design noise emission scenario, including the adopted engineering safety factor, schedule of all noise generating sources on the site, stationary equipment specification and verifiable data of dynamic noise emission activities;
- (c) demonstrate the noise propagation modelling is capable of accurately predicting noise levels under noise enhancing meteorological conditions to surrounding receivers in Luddenham;
- (d) provide updated noise modelling to verify the predicted performance of the development and the predicted noise levels identified in the report titled *Kemps Creek Data Centre, Noise and Vibration Impact Assessment*, prepared by Arup Pty Ltd, dated 1 September 2022;
- (e) develop an Operational Noise Monitoring Plan in accordance with Section 7 of the Noise Policy for Industry to verify the operational performance of the development, including details of the nominated intermediate monitoring locations, reference noise levels at each intermediate location, and noise level relationship between each intermediate location and sensitive receivers identified in condition B6;
- (f) include:
  - (i) an analysis of compliance with noise limits specified in conditions B6;
  - (ii) an outline of at-source and transmission path mitigation measures required to ensure compliance with the limits specified in conditions B6;
  - (iii) a description of contingency measures (including specific measures to manage noise generating activities during the night time period) in the event management actions are not effective at reducing noise levels to comply with limits specified in conditions B6.

B9. Should the Design Noise Verification Report identify that the noise limits in Conditions B6 cannot be achieved through the mitigation measures and contingency measures required to be considered under Condition B8, the Applicant must:

- (a) offer to enter into noise agreement(s) with eligible receivers outside of the Mamre Road Precinct where noise limits are predicted to be exceeded
- (b) provide written evidence to the Planning Secretary that an agreement is in place with these receivers.

B10. If a Noise Agreement is in place with a specific receiver(s) to exceed the noise limits in Condition B6, the noise limits in Table 2 do not apply to that receiver(s).

B11. Within three months of the commencement of operation of the development, the Applicant must prepare and submit an Operational Noise Verification Report for the development to the satisfaction of the Planning Secretary. The Operational 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:
  - (i) the Australian Standard AS 1055:2018 Acoustics – Description and measurement of environmental noise (Standards Australia, 2018); and
  - (ii) the EPA Approved Methods for the Measurement and Analysis of Environmental Noise in NSW (EPA, 2022);

- (iii) the Operational Noise Monitoring Plan established under condition B8(e);
- (c) include:
  - (i) an analysis of compliance with noise limits specified in conditions B6;
  - (ii) an outline of implemented at-source and transmission pathway mitigation measures and their effectiveness at reducing operational noise; and
  - (iii) a description of contingency measures in the event implemented mitigation measures are not effective at reducing noise levels to comply with limits specified in condition B6 at all times.

### **Road Traffic Noise**

B12. Prior to the commencement of construction of the development, the Applicant must prepare a Driver Code of Conduct and induction training for the development to minimise road traffic noise. The Applicant must update the Driver Code of Conduct and induction training for construction and operation and must implement the Code of Conduct for the life of the development.

### **VIBRATION**

#### **Vibration Criteria**

- B13. Vibration caused by construction at any residence or structure outside the site must be limited to:
- (a) for structural damage, the latest version of *DIN 4150-3 (1992-02) Structural vibration - Effects of vibration on structures* (German Institute for Standardisation, 1999); and
  - (b) for human exposure, the acceptable vibration values set out in the *Environmental Noise Management Assessing Vibration: a technical guideline* (DEC, 2006) (as may be updated or replaced from time to time).

### **AIR QUALITY**

#### **Dust Minimisation**

- B14. The Applicant must take all reasonable steps to minimise dust generated during all works authorised by this consent.
- B15. During construction of the development, the Applicant must ensure that:
- (a) exposed surfaces and stockpiles are suppressed by regular watering or other alternative suppression method;
  - (b) all trucks entering or leaving the site with loads have their loads covered;
  - (c) trucks associated with the development do not track dirt onto the public road network;
  - (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.

#### **Air Quality Discharges**

B16. The Applicant must install and operate equipment in line with best practice to ensure that the development complies with all load limits, air quality criteria/air emission limits and air quality monitoring requirements as specified in the Protection of the Environment Operations (Clean Air) Regulation 2021 (as may be updated or replaced from time to time).

#### **Back-up Generator System**

B17. The Applicant must ensure the design, installation and operation of the back-up generators and/or the associated enclosures do not preclude the ability for additional air pollution emission controls to be retrofitted.

#### **Nitrogen Dioxide Monitoring Procedure**

- B18. Prior to the commencement of operation of the development, the Applicant must prepare a Nitrogen Dioxide Monitoring Procedure (NDMP) to the satisfaction of the Planning Secretary. The NDMP must:
- (a) be prepared by a suitably qualified and experienced person(s);
  - (b) identify the contemporary impact assessment criteria for nitrogen dioxide emissions;
  - (c) describe the control measures which would be implemented to minimise the duration of each power outage event;
  - (d) outline the monitoring procedure which would be implemented during each power outage event, in accordance with the most recent version of the *Approved Methods for the sampling and analysis of air pollutants in NSW* (EPA, 2022); and
  - (e) described the management actions which would be taken to address any exceedances of the impact assessment criteria identified in condition B18(b).
- B19. The Applicant must:
- (a) not commence operation until the NDMP (see condition B18) is approved by the Planning Secretary; and

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

### **Power Outage Notification Protocol**

B20. Prior to the commencement of operation, the Applicant must prepare a Power Outage Notification Protocol (PONP) for the development. The PONP must:

- (a) identify the neighbouring properties which would be notified should a power outage event last 30 minutes or more;
- (b) identify the trigger point(s) for notifying neighbouring properties that the back-up generator system is operating; and
- (c) detail how these properties would be made aware that the development's back-up generator system is required to operate for the duration of the power outage event.

**Note:** *Methods for notifying neighbouring properties could include, but are not limited to, doorknocking, letterbox drops and/or email notifications.*

B21. The Applicant must:

- (a) not commence operation until the PONP (see condition B20) is submitted to the Planning Secretary; and
- (b) implement the most recent version of the PONP submitted to the Planning Secretary during power outage events which last 30 minutes or more.

### **HAZARDS AND RISK**

B22. The Applicant must design and operate the development in accordance with:

- (a) *AS/NZS 4681:2000 The storage and handling of Class 9 (miscellaneous) dangerous goods and articles* (Standards Australia, 2000);
- (b) *IEC 62619:2022 Secondary cells and batteries containing alkaline or other non-acid electrolytes – Safety requirements for secondary lithium cells and batteries, for use in industrial applications* (Standards Australia, 2023); and
- (c) *AS 1940:2017 The storage and handling of flammable and combustible liquids* (Standards Australia, 2017).

In the event of an inconsistency between the standards listed above, the most stringent requirement shall prevail to the extent of the inconsistency.

### **Fire Safety Study**

B23. At least one month prior to the commencement of construction of the development (except for construction of those preliminary works that are outside the scope of the hazard studies), or within such further period as the Planning Secretary may agree, the Applicant must prepare and submit a Fire Safety Study (FSS) for the development. The FSS must:

- (a) meet the operational requirements of FRNSW;
- (b) address the relevant aspects of:
  - (i) *Hazardous Industry Planning Advisory Paper No. 2, 'Fire safety study guidelines'* (DoP, 2011); and
  - (ii) *Best practice guidelines for contaminated water retention and treatment systems* (NSW HMPCC, 1994); and
- (c) consider the operational capability of local fire agencies and the need for the facility to achieve an adequate level of on-site fire and life safety independence;
- (d) verify that the final design of the fire safety system(s) complies with:
  - (i) *AS/NZS 4681:2000 The storage and handling of Class 9 (miscellaneous) dangerous goods and articles* (Standards Australia, 2000);
  - (ii) *IEC 62619:2022 Secondary cells and batteries containing alkaline or other non-acid electrolytes – Safety requirements for secondary lithium cells and batteries, for use in industrial applications* (Standards Australia, 2023); and
  - (iii) *AS 1940:2017 The storage and handling of flammable and combustible liquids* (Standards Australia, 2017); and
- (e) report on the outcome of consultation with FRNSW regarding compliance with *Loss Prevention Data Sheet 5-32 – Data centres and related facilities* (FM Global Property, 2022).

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

B24. The Applicant must:

- (a) not commence construction of the development (except for construction of preliminary works that are outside the scope of the fire-related reports or studies) until the FSS (see condition B23) has been approved by FRNSW; and
- (b) provide a copy of the approved FSS to the Planning Secretary within seven days after it is approved by FRNSW.

**Note** *The FSS must be approved by FRNSW prior to any further documents being submitted to FRNSW (e.g. before the development's initial Fire Safety Report (IFSR), Performance-Based Design Brief and/or Fire Engineering Brief Questionnaire (FEBQ) are submitted to FRNSW).*

### **Electromagnetic Energy**

- B25. Prior to the commencement of construction (except for construction of those works outside the scope of the Electromagnetic Energy hazard assessment), the Applicant must prepare an Electromagnetic Energy (EME) hazard assessment. The EME hazard assessment must:
- (a) be prepared in consultation with WaterNSW;
  - (b) be used to inform electrical infrastructure final specifications and comply with Australian Standard AS4853: 2012 Electrical Hazards on Metallic Pipelines; and
  - (c) detail mitigation measures to be implemented in the event impacts to Warragamba Pipeline is identified; and
  - (d) identify earthing provisions and controls to be implement for the construction of the development (except for construction of those works outside the scope of the Electromagnetic Energy hazard assessment).

### **TRAFFIC AND ACCESS**

#### **Construction Traffic Management Plan**

- B26. Prior to the commencement of construction of the development, 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 and TfNSW;
  - (c) detail the measures that are to be implemented to ensure road safety and network efficiency during construction, including management of cumulative construction traffic across the industrial estate approved under SSD-9522;
  - (d) detail heavy vehicle routes, access and parking arrangements;
  - (e) 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;
  - (f) include a program to monitor the effectiveness of these measures; and
  - (g) if necessary, detail procedures for notifying residents and the community (including local schools), of any potential disruptions to routes.
- B27. The Applicant must:
- (a) not commence construction until the Construction Traffic Management Plan required by condition B26 is approved by the Planning Secretary; and
  - (b) implement the most recent version of the Construction Traffic Management Plan approved by the Planning Secretary for the duration of construction.

#### **Roadworks and Access**

- B28. The Applicant must submit design plans to the satisfaction of the relevant roads authority which demonstrate that the proposed accesses to the development are designed to accommodate the turning path of a 19 metre articulated vehicle.
- B29. Any driveway crossover must be at a minimum of 1 m clearance from any public utility service lid, light pole or stormwater kerb inlet pit and lintel. Driveways must be located a minimum of 1.5 m from any street tree and their locations are to allow for safe pedestrian movements.

#### **Parking**

- B30. The Applicant must provide sufficient parking facilities on-site, including for heavy vehicles and for site personnel, to ensure that traffic associated with the development does not utilise public and residential streets or public parking facilities.

## Operating Conditions

B31. The Applicant must ensure:

- (a) that vehicle access from the east of the site onto the north-south road is restricted to emergency vehicle use only;
- (b) internal roads, driveways and parking (including grades, turn paths, sight distance requirements, aisle widths, aisle lengths and parking bay dimensions) associated with the development are constructed and maintained in accordance with the latest version of *AS 2890.1:2004 Parking facilities Off-street car parking* (Standards Australia, 2004), *AS 2890.2:2018 Parking facilities Off-street Commercial Vehicle Facilities* (Standards Australia, 2018) and *AS 2890.6:2009 Parking facilities Off-street parking for people with disabilities* (Standards Australia, 2009)
- (c) 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;
- (d) the development does not result in any vehicles queuing on the public road network;
- (e) heavy vehicles and bins associated with the development are not parked on local roads or footpaths in the vicinity of the site;
- (f) all vehicles are wholly contained on site before being required to stop;
- (g) all loading and unloading of materials is carried out on-site;
- (h) all trucks entering or leaving the site with loads have their loads covered and do not track dirt onto the public road network; and
- (i) the proposed turning areas in the car park are kept clear of any obstacles, including parked cars, at all times.

## Work Place Travel Plan

B32. Prior to the commencement of operation of any part of the development, the Applicant must prepare a Work Place Travel Plan and submit a copy to the Planning Secretary. The Work Place Travel Plan must:

- (a) be prepared in consultation with TfNSW;
- (b) outline facilities and measures to promote public transport usage, such as car share schemes and employee incentives; and
- (c) describe pedestrian and bicycle linkages and end of trip facilities available on-site.

B33. The Applicant must implement the most recent version of the Work Place Travel Plan for the duration of the development.

## SOILS, WATER QUALITY AND HYDROLOGY

### Imported Soil

B34. The Applicant must:

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

### Erosion and Sediment Control

B35. Prior to the commencement of any construction for the development, 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.

### Discharge Limits

B36. 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

B37. Prior to the commencement of construction of the development, the Applicant must finalise the detailed design of the stormwater management system for the development. The system must:

- (a) be designed by a suitably qualified and experienced person(s);
- (b) be generally in accordance with the stormwater management system constructed under SSD-9522;
- (c) be in accordance with applicable Australian Standards; and
- (d) 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;

B38. Prior to the commencement of operation, the Applicant must install the stormwater management system in accordance with the finalised detailed design (as required by condition B38) and ensure the system is operational.

### **Flood Management**

B39. Prior to the commencement of construction of the development, the Applicant must prepare a Construction Flood Emergency Response Plan to the satisfaction of the Planning Secretary. The Plan must form part of the CEMP required by conditions C2 and must:

- (a) be prepared by a suitably qualified and experienced person(s);
- (b) address the provisions of the *Floodplain Risk Management Guideline* (OEH, 2007);
- (c) include details of:
  - (i) the flood emergency responses for construction phases of the development;
  - (ii) predicted flood levels;
  - (iii) flood warning time and flood notification;
  - (iv) assembly points and evacuation routes;
  - (v) evacuation and refuge protocols; and
  - (vi) awareness training for employees and contractors.

B40. The Applicant must:

- (a) not commence construction until the Construction Flood Emergency Response Plan required by condition is approved by the Planning Secretary; and
- (b) implement the most recent version of the Construction Flood Emergency Response Plan approved by the Planning Secretary for the duration of the development.

B41. Prior to the commencement of operation, the Applicant must prepare an Operational Flood Emergency Response Plan to the satisfaction of the Planning Secretary. The Plan must form part of the OEMP required by conditions C5 and must:

- (a) address the relevant requirements outlined under condition B39; and
- (b) include details of:
  - (i) the flood emergency responses procedures to be implemented during operation;
  - (ii) updated assembly points, refuge areas and evacuation routes;
  - (iii) flood warning signs and depth indicators;
  - (iv) refuge and evacuation protocols for all employees, contractors and visitors; and
  - (v) awareness training for operational employees and any relevant persons associated with the development.

B42. The Applicant must:

- (a) not commence operation until the Operational Flood Emergency Response Plan required by condition B41 is approved by the Planning Secretary; and
- (b) implement the most recent version of the Operational Flood Emergency Response Plan approved by the Planning Secretary for the duration of the development.

### **Water Management Plan**

B43. Prior to the commencement of operation of the development, the Applicant must prepare a Water Management Plan to the satisfaction of the Planning Secretary. The Water Management Plan must form part of the OEMP required by condition C5 and must:

- (a) be prepared by a suitably qualified and experienced person(s);
- (b) detail water use, metering, disposal and management on-site;
- (c) the management of wastewater streams on-site including the operation of the wastewater treatment plant (WWTP);
- (d) contingency measures to be implemented if the WWTP is out of operation
- (e) contain a Contaminated Water Retention Plan including:
  - (i) description of secondary containment including bunding;
  - (ii) protocols for the operation of the pollution control valve during pollution incidents;
  - (iii) disposal locations which are licenced to accept the contaminated water;
  - (iv) stormwater impact assessment criteria, including trigger levels for investigating and potential adverse surface water impacts;
  - (v) a protocol for the investigation and mitigation of identified exceedances of the stormwater impact assessment criteria; and

- (vi) contain a Pollution Incident Response Management Plan.

B44. The Applicant must:

- (a) not commence operation until the Water Management Plan required by condition B43 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.

## **ABORIGINAL HERITAGE**

### **Aboriginal Cultural Heritage Management Plan (ACHMP)**

B45. The development must be undertaken in accordance with the most recently approved revision of the ACHMP approved under SSD-9522.

### **Unexpected Finds Protocol**

B46. If any item or object of Aboriginal heritage significance is identified on site:

- (a) all work in the immediate vicinity of the suspected Aboriginal item or object must cease immediately;
- (b) a 10 m wide buffer area around the suspected item or object must be cordoned off; and
- (c) Heritage NSW must be contacted immediately.

B47. 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*.

## **WASTE MANAGEMENT**

### **Statutory Requirements**

B48. All waste materials removed from the site must only be directed to a waste management facility or premises lawfully permitted to accept the materials.

B49. 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 waste management facility or premises lawfully permitted to accept the waste.

B50. Waste generated outside the site must not be received at the site for storage, treatment, processing, reprocessing, or disposal.

B51. The Applicant must retain all sampling and waste classification data for the life of the development in accordance with the requirements of EPA.

### **Pests, Vermin and Priority Weed Management**

B52. The Applicant must:

- (a) implement suitable measures to manage pests, vermin and declared priority 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 priority 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, priority weed has the same definition of the term in the Biosecurity Act 2015.

## **CONTAMINATION**

### **Unexpected Finds**

B53. Prior to the commencement of construction, the Applicant must prepare an unexpected contamination finds procedure to ensure that potentially contaminated material is appropriately managed. The procedure must form part of the CEMP in accordance with condition C2 and must ensure any material identified as contaminated is disposed of in accordance with the POEO Act and its associated regulations. Details of the final disposal location and the results of any associated testing must be submitted to the Planning Secretary prior to removal of the contaminated material from the site.

### **Imported Fill**

B54. Prior to the commencement of earthworks, the Applicant must prepare an imported fill protocol to ensure that soil brought to the site is suitable and potentially contaminated material is managed. The procedure must form part of the CEMP in accordance with condition C2 and must ensure any material identified as contaminated must be disposed off-site, with the disposal location and results of testing submitted to the Planning Secretary, prior to its removal from the site.

## **BUSHFIRE**

B55. The Applicant must ensure the development complies with:



- (a) The relevant provision of *Planning for Bushfire Protection 2022*;
- (b) the recommendations within the '*Bushfire Protection Assessment for the Construction of the Proposed SYD05-06-07 Data Centre on No.706-769 Mamre Road, Kemps Creek*', prepared by Australian Bushfire Protection Planners Pty Ltd, dated 18 March 2021.
- (c) *AS2419.1-2021 Fire Hydrant Installations*, except as modified by a Fire Engineered Performance Solution.

## **VISUAL AMENITY**

### **Visual Design**

- B56. Within 12 months from the date of this consent, or otherwise agreed upon by the Planning Secretary, the Applicant must prepare and implement an Architectural Design Report, to the satisfaction of the Planning Secretary. The Report must:
- (a) be prepared in consultation with Council;
  - (b) detail additional façade treatment measures including but not limited to, the use of different colours, materials and finishes, to be implemented for the Western orientation of the Data Centre building to reduce visual impacts of the development on adjoining properties and sensitive receivers; and
  - (c) detail any additional vegetation and tree planting to screen the development from adjoining properties and sensitive receivers.

### **Landscaping**

- B57. Prior to the commencement of operation of the development, 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 form part of an OEMP in accordance with condition C5. The plan must:
- (a) detail the species to be planted on-site;
  - (b) describe the monitoring and maintenance measures to manage revegetation and landscaping works; and
  - (c) be consistent with the Applicant's Management and Mitigation Measures outlined in Appendix 2.
- B58. The Applicant must:
- (a) not commence operation until the Landscape Management Plan is approved by the Planning Secretary.
  - (b) must 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 B57 for the life of the development.

### **Lighting**

- B59. The Applicant must ensure the lighting associated with the development:
- (a) complies with the latest version of AS 4282-2019 - *Control of the obtrusive effects of outdoor lighting* (Standards Australia, 2019); and
  - (b) is mounted, screened and directed in such a manner that it does not create a nuisance to surrounding properties or the public road network.

### **Signage and Fencing**

- B60. All signage and fencing must be erected in accordance with the development plans included in the RTS and Additional Information.

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

## PART C ENVIRONMENTAL MANAGEMENT, REPORTING AND AUDITING

### ENVIRONMENTAL MANAGEMENT

#### Management Plan Requirements

- C1. Management plans required under this consent must be prepared in accordance with relevant guidelines, and include:
- (a) detailed baseline data;
  - (b) 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;
  - (c) a description of the measures to be implemented to comply with the relevant statutory requirements, limits, or performance measures and criteria;
  - (d) a program to monitor and report on the:
    - (i) impacts and environmental performance of the development; and
    - (ii) effectiveness of the management measures set out pursuant to paragraph (c) above;
  - (e) a contingency plan to manage any unpredicted impacts and their consequences and to ensure that ongoing impacts reduce to levels below relevant impact assessment criteria as quickly as possible;
  - (f) a program to investigate and implement ways to improve the environmental performance of the development over time;
  - (g) 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
  - (h) a protocol for periodic review of the plan.

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

#### CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN

- C2. The Applicant must prepare a Construction Environmental Management Plan (CEMP) for the development in accordance with the requirements of condition C1 and to the satisfaction of the Planning Secretary.
- C3. As part of the CEMP required under condition C2 of this consent, the Applicant must include the following:
- (a) Construction Noise Management Plan (see condition B4);
  - (b) Construction Traffic Management Plan (see condition B26);
  - (c) Erosion and Sediment Control Plan (see condition B35);
  - (d) Flood Emergency Response (see condition B39);
  - (e) Unexpected Finds Protocol (see condition B53);
  - (f) Imported Fill Protocol (see condition B54);
  - (g) Community Consultation and Complaints Handling.
- C4. The Applicant must:
- (a) not commence construction of the development until the 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.

#### OPERATIONAL ENVIRONMENTAL MANAGEMENT PLAN

- C5. The Applicant must prepare an Operational Environmental Management Plan (OEMP) for the development in accordance with the requirements of condition C1 and to the satisfaction of the Planning Secretary.
- C6. As part of the OEMP required under condition C5 of this consent, the Applicant must include the following:
- (a) describe the role, responsibility, authority and accountability of all key personnel involved in the environmental management of the development;
  - (b) describe the procedures that would be implemented to:

- (i) keep the local community and relevant agencies informed about the operation and environmental performance of the development;
  - (ii) receive, handle, respond to, and record complaints;
  - (iii) resolve any disputes that may arise;
  - (iv) respond to any non-compliance;
  - (v) respond to emergencies; and
- (c) include the following environmental management plans:
- (i) Flood Emergency Response (see condition B41);
  - (ii) Water Management Plan (see condition B43); and
  - (iii) Landscape Management Plan (see condition B57).

C7. The Applicant must:

- (a) not commence operation until the OEMP is approved by the Planning Secretary; and
- (b) operate the development in accordance with the OEMP approved by the Planning Secretary (and as revised and approved by the Planning Secretary from time to time).

#### **OPERATIONAL COMPLAINTS HANDLING PROTOCOL**

C8. Prior to the commencement of operation, the Applicant must prepare an Operational Complaints Handling Protocol (OCHP) for the development. The OCHP must:

- (a) detail how complaints would be received by the Applicant;
- (b) detail how the contact details for receiving complaints would be communicated to surrounding businesses and/or residential receivers; and
- (c) include a complaints register to record the date, time and nature of the complaint, details of the complainant and any actions taken to address the complaint
- (d) be submitted to the Planning Secretary upon request.

*Note: Methods for receiving complaints could include, but are not limited to, email, a toll-free telephone number and/or a postal address. Methods for communicating contact details could include, but are not limited to, on-site signage and/or an advertisement published in a local paper.*

C9. The Applicant must:

- (a) not commence operation until the OCHP under condition C8 is submitted to the Planning Secretary; and
- (b) implement the most recent version of the OCHP submitted to the Planning Secretary for the duration of the development.

#### **REVISION OF STRATEGIES, PLANS AND PROGRAMS**

C10. Within three months of:

- (a) the submission of a Compliance Report under condition C17;
  - (b) the submission of an incident report under condition C12;
  - (c) the submission of an Independent Audit under condition C19;
  - (d) the approval of any modification of the conditions of this consent; or
  - (e) the issue of a direction of the Planning Secretary under condition A2(b) which requires a review,
- the strategies, plans and programs required under this consent must be reviewed.

C11. 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 required under condition C10, or such other timing as agreed by the Planning Secretary.

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

#### **REPORTING AND AUDITING**

##### **Incident Notification, Reporting and Response**

C12. The Planning Secretary must be notified in writing via the Major Projects website immediately after the Applicant becomes aware of an incident. The notification must identify the development (including the development application number 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.

### Back-up Generator Incident Reporting

- C13. Within 30 days of the back-up generator system being used to power the development during a power outage event (or as otherwise agreed to in writing by the Planning Secretary), the Applicant must prepare and submit a Back-up Generator Incident Report for the development to the satisfaction of the Planning Secretary. The report must include:
- (a) details regarding the:
    - (i) date and time of the power outage event;
    - (ii) total number of back-up generators used to power the development;
    - (iii) total number of hours the back-up generators were operated for;
    - (iv) total quantity of diesel fuel used by the back-up generators; and
    - (v) total amount of electricity produced by the back-up generators;
  - (b) if relevant, confirmation regarding whether neighbouring properties were made aware that the development's back-up generator system was operating (see condition B20);
  - (c) an assessment of any air quality impacts resulting from the operation of the back-up generators; and
  - (d) an assessment and consideration of any additional measures which could be implemented to reduce future air quality impacts.

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

### Non-Compliance Notification

- C14. The Planning Secretary must be notified in writing via the Major Projects website within seven days after the Applicant becomes aware of any non-compliance.
- C15. 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.
- C16. A non-compliance which has been notified as an incident does not need to also be notified as a non-compliance.

### Compliance Reporting

- C17. Within three months after the first year of commencement of operation of the development, and in the same month each subsequent year (or such other timing as agreed by the Planning Secretary), the Applicant must submit a Compliance Report to the Planning Secretary reviewing the environmental performance of the development to the satisfaction of the Planning Secretary. Compliance Reports must be prepared in accordance with the Compliance Reporting Post Approval Requirements (Department 2020) and must also:
- (a) identify any trends in the monitoring data over the life of the development;
  - (b) identify any discrepancies between the predicted and actual impacts of the development, and analyse the potential cause of any significant discrepancies; and
  - (c) describe what measures will be implemented over the next year to improve the environmental performance of the development.
- C18. The Applicant must make each Compliance Report publicly available no later than 60 days after submitting it to the Planning Secretary and notify the Planning Secretary in writing at least seven days before this is done.

### Independent Audit

- C19. Within one year of the commencement of operation of the development, and every three years after, unless the Planning Secretary directs otherwise, the Applicant must commission and pay the full cost of an Independent Environmental Audit (Audit) of the development. Audits must:
- (a) be prepared in accordance with the Independent Audit Post Approval Requirements (Department 2020)
  - (b) be led and conducted by a suitably qualified, experienced and independent team of experts whose appointment has been endorsed by the Planning Secretary; and
  - (c) be submitted to the satisfaction of the Planning Secretary within three months of commissioning the Audit (or within another timeframe agreed by the Planning Secretary).
- C20. In accordance with the specific requirements in the Independent Audit Post Approval Requirements (Department 2020), the Applicant must:
- (a) review and respond to each Independent Audit Report prepared under condition C19 of this consent;
  - (b) submit the response to the Planning Secretary and any other NSW agency that requests it, together with a timetable for the implementation of the recommendations;
  - (c) implement the recommendations to the satisfaction of the Planning Secretary; and

- (d) make each Independent Audit Report and response to it publicly available no later than 60 days after submission to the Planning Secretary and notify the Planning Secretary in writing at least 7 days before this is done.

### **Monitoring and Environmental Audits**

- C21. Any condition of this consent that requires the carrying out of monitoring or an environmental audit, whether directly or by way of a plan, strategy or program, is taken to be a condition requiring monitoring or an environmental audit under Division 9.4 of Part 9 of the EP&A Act. This includes conditions in respect of incident notification, reporting and response, non-compliance notification, compliance reporting and independent auditing.

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

### **ACCESS TO INFORMATION**

- C22. At least 48 hours before the commencement of construction of the development and for the life of the development, 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) the proposed staging plans for the development if the construction, operation or decommissioning of the development is to be staged;
  - (v) regular reporting on the environmental performance of the development in accordance with the reporting requirements in any plans or programs approved under the conditions of this consent;
  - (vi) a comprehensive summary of the monitoring results of the development, reported in accordance with the specifications in any conditions of this consent, or any approved plans and programs;
  - (vii) a summary of the current stage and progress of the development;
  - (viii) contact details to enquire about the development or to make a complaint;
  - (ix) a complaints register, updated monthly;
  - (x) the Compliance Report of the development;
  - (xi) any other matter required by the Planning Secretary; and
- (b) keep such information up to date, to the satisfaction of the Planning Secretary.

APPENDIX 1 DEVELOPMENT LAYOUT PLANS

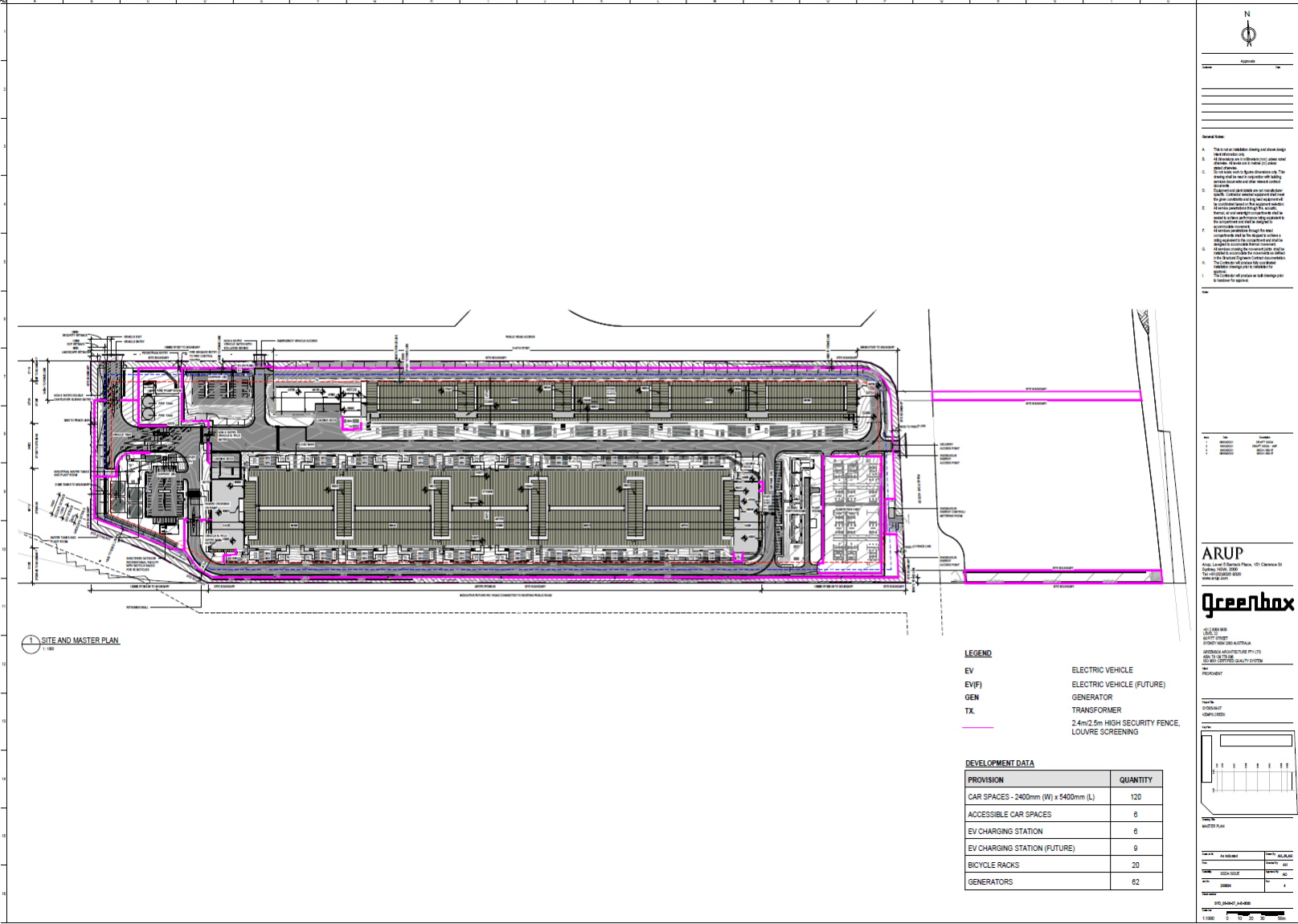


Figure 1: Site Plan

PROJECT NO.	DRAWING NO.	REV	DATE	TITLE
<b>Architectural drawings prepared by Greenbox Pty Ltd</b>				
SYD05-06-07	A-A-0090	4	09/09/2022	COVER SHEET
SYD05-06-07	A-B-0090	3	09/09/2022	SITE ANALYSIS PLAN
SYD05-06-07	A-B-0091	3	09/09/2022	SITE ANALYSIS PLAN – ENLARGED
SYD05-06-07	A-B-0093	5	02/12/2022	MASTER PLAN
SYD05-06-07	A-B-0095	3	09/09/2022	PHASING DIAGRAMS
SYD05-06-07	A-B-0097	5	09/09/2022	GFA CALCULATIONS
SYD05-06-07	A-D-1091	4	09/09/2022	LEVEL 1 PLAN
SYD05-06-07	A-D-2091	4	09/09/2022	LEVEL 2 AND ROOF PLANS
SYD05-06-07	A-G-1091	4	09/09/2022	SYD05-06 PLANS
SYD05-06-07	A-G-1092	4	09/09/2022	SYD07 PLANS
SYD05-06-07	A-H-0090	4	09/09/2022	ELEVATIONS – SYD05-05
SYD05-06-07	A-H-0091	4	09/09/2022	ELEVATIONS – SYD07
SYD05-06-07	A-H-0092	4	09/09/2022	ELEVATIONS – SYD05-06 – ENLARGED ELEVATIONS
SYD05-06-07	A-H-0093	4	09/09/2022	ELEVATIONS – SYD05-06 – ENLARGED ELEVATIONS
SYD05-06-07	A-H-0095	4	09/09/2022	ELEVATIONS – SYD07 – ENLARGED ELEVATIONS
SYD05-06-07	A-H-0096	4	09/09/2022	ELEVATIONS – SYD07 – ENLARGED ELEVATIONS
SYD05-06-07	A-H-0097	2	09/09/2022	SUBSTATION ELEVATIONS
SYD05-06-07	A-H-0098	2	09/09/2022	SUBSTATION – STREETSCAPE ARCHITECTURAL ILLUSTRATION
SYD05-06-07	A-I-0090	4	09/09/2022	SECTIONS
SYD05-06-07	A-I-0091	4	09/09/2022	SECTIONS – SYD05-06 – ENLARGED
SYD05-06-07	A-I-0092	4	09/09/2022	SECTIONS – SYD07 – ENLARGED
<b>Landscape Plans prepared by Habit8 Pty Ltd</b>				
SYD05-06-07	L-01	J	17/02/2023	Coversheet
SYD05-06-07	L-02	J	17/02/2023	Overall Landscape Masterplan
SYD05-06-07	L-03	J	17/02/2023	Landscape Concept Plan 01
SYD05-06-07	L-04	J	17/02/2023	Landscape Concept Plan 02
SYD05-06-07	L-05	J	17/02/2023	Landscape Concept Plan 03

SYD05-06-07	L-06	J	17/02/2023	Internal Road Front Setback (Detail Plan)
SYD05-06-07	L-07	J	17/02/2023	Landscape Section A-A
SYD05-06-07	L-08	J	17/02/2023	Landscape Section B-B
SYD05-06-07	L-09	J	17/02/2023	Landscape Section C-C
SYD05-06-07	L-10	J	17/02/2023	Landscape Section D-D
SYD05-06-07	L-11	J	17/02/2023	Landscape Section E-E
SYD05-06-07	L-12	J	17/02/2023	Landscape Section F-F
SYD05-06-07	L-13	J	17/02/2023	Switchyard: East Elevation
SYD05-06-07	L-14	J	17/02/2023	Switchyard: South Elevation
SYD05-06-07	L-15	J	17/02/2023	Indicative Plant Schedule
SYD05-06-07	L-16	J	17/02/2023	Indicative Plant Schedule
SYD05-06-07	L-17	J	17/02/2023	Typical Specification & Maintenance Notes
SYD05-06-07	L-18	J	17/02/2023	Songlines
SYD05-06-07	L-19	J	17/02/2023	Landscape Concept Plan
SYD05-06-07	L-20	J	17/02/2023	Entry Arrival Landscape
SYD05-06-07	L-21	J	17/02/2023	3D View
SYD05-06-07	L-22	J	17/02/2023	Appendix A: Landscape Documentation
<b>Civil Drawings prepared by ARUP Pty Ltd</b>				
SYD05-06-07	C-A-001	2	16/04/2021	COVER SHEET, LOCALITY PLAN AND DRAWING REGISTER
SYD05-06-07	C-A-0006	2	16/04/2021	GENERAL NOTES
SYD05-06-07	C-A-0010	2	16/04/2021	GENERAL LEGEND
SYD05-06-07	C-B-0003	2	16/04/2021	EROSION AND SEDIMENT CONTROL – PLAN – SHEET 1 OF 2
SYD05-06-07	C-B-0004	2	16/04/2021	EROSION AND SEDIMENT CONTROL – PLAN – SHEET 2 OF 2
SYD05-06-07	C-B-0041	2	16/04/2021	EROSION AND SEDIMENT CONTROL - DETAILS
SYD05-06-07	C-C-0001	2	16/04/2021	GENERAL ARRANGEMENT – PLAN – SHEET 1 OF 2
SYD05-06-07	C-C-0002	2	16/04/2021	GENERAL ARRANGEMENT – PLAN – SHEET 2 OF 2
SYD05-06-07	C-D-0001	2	16/04/2021	GRADING – PLAN – SHEET 1 OF 2
SYD05-06-07	C-D-0002	2	16/04/2021	GRADING – PLAN – SHEET 2 OF 2
SYD05-06-07	C-D-0011	2	16/04/2021	BULK EARTHWORKS – PLAN – SHEET 1 OF 2



SYD05-06-07	C-D-0012	2	16/04/2021	BULK EARTHWORKS – PLAN – SHEET 2 OF 2
SYD05-06-07	C-D-0020	2	16/04/2021	BULK EARTHWORKS – TYPICAL SECTIONS – SHEET 1 OF 2
SYD05-06-07	C-D-0021	2	16/04/2021	BULK EARTHWORKS – TYPICAL SECTIONS – SHEET 2 OF 2
SYD05-06-07	C-D-0031	2	16/04/2021	CATCHMENT – PLAN – SHEET 1 OF 2
SYD05-06-07	C-D-0032	2	16/04/2021	CATCHMENT – PLANT – SHEET 2 OF 2
SYD05-06-07	C-D-0041	2	16/04/2021	STORMWATER DRAINAGE – PLAN – SHEET 1 OF 2
SYD05-06-07	C-D-0042	2	16/04/2021	STORMWATER DRAINAGE – PLAN – SHEET 2 OF 2
SYD05-06-07	C-D-0051	2	16/04/2021	STORMWATER DRAINAGE – LONGITUDAL SECTIONS – SHEET 1 OF 7
SYD05-06-07	C-D-0052	2	16/04/2021	STORMWATER DRAINAGE – LONGITUDAL SECTIONS – SHEET 2 OF 7
SYD05-06-07	C-D-0053	2	16/04/2021	STORMWATER DRAINAGE – LONGITUDAL SECTIONS – SHEET 3 OF 7
SYD05-06-07	C-D-0054	2	16/04/2021	STORMWATER DRAINAGE – LONGITUDAL SECTIONS – SHEET 4 OF 7
SYD05-06-07	C-D-0055	2	16/04/2021	STORMWATER DRAINAGE – LONGITUDAL SECTIONS – SHEET 5 OF 7
SYD05-06-07	C-D-0056	2	16/04/2021	STORMWATER DRAINAGE – LONGITUDAL SECTIONS – SHEET 6 OF 7
SYD05-06-07	C-D-0057	2	16/04/2021	STORMWATER DRAINAGE – LONGITUDAL SECTIONS – SHEET 7 OF 7

**APPENDIX 2    APPLICANT'S MANAGEMENT AND MITIGATION MEASURES**

# PLANNED MANAGEMENT AND MITIGATION MEASURES FOR THE PROPOSED DEVELOPMENT

<b>By:</b>	ARUP
<b>In relation to:</b>	Proposed State Significant Development Application (Proposed Data Centre)
<b>Site:</b>	707-769 Mamre Road, Kemps Creek (Lots X & Y DP 421633 and Lot 22 DP 258414)

ARUP, plan to undertake the 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>	Penrith City Council
<b>Department</b>	Department of Planning and Environment
<b>EIS</b>	Environmental Impact Statement
<b>EP&amp;A Act 1979</b>	<i>Environmental Planning and Assessment Act 1979</i>
<b>Project</b>	The Proposed Development as described in this EIS
<b>Proponent</b>	ARUP
<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

## 7.1 ADMINISTRATIVE COMMITMENTS

### Commitment to Minimise Harm to the Environment

1. ARUP will commit to implement all reasonable and feasible measures, to prevent and / or minimise any harm to the environment, that may result from the construction or operation of the Proposed Development.

### Construction Certificates

2. ARUP will ensure that a staged approach will be taken to obtain relevant Construction Certificates with respect to the respective construction stages.

### Occupation Certificate

3. ARUP will ensure that a staged Interim and Final Occupation Certificate, are obtained prior to the occupation of each section of the Data Centre building.

### Terms of Approval

4. ARUP would carry out the Project generally in accordance with the:
  - a) Environmental Impact Statement;
  - b) Drawings prepared by Greenbox Architecture;
  - c) Management and Mitigation Measures;
  - d) Any Conditions of Approval (including operational use of the Site 24/7).

5. If there is any inconsistency between the above, the Conditions of Approval shall prevail to the extent of the inconsistency.
6. ARUP would ensure compliance with any reasonable requirement(s) of the Secretary-General of the Department of Planning and Environment arising from the Department's assessment of:
  - a) Any reports, plans, programs, strategies or correspondence that are submitted in relation to this Approval; and
  - b) The implementation of any recommended actions or measures contained in reports, plans, programs, strategies or correspondence submitted by the Project Team as part of the application for Approval.

#### **Structural Adequacy**

7. ARUP would ensure that all new buildings and structures on the Site are constructed in accordance with the relevant requirements of the BCA.

#### **Operation of Plant and Equipment**

8. ARUP would ensure that all plant and equipment used on-site, is maintained and operated in proper and efficient manner, and in accordance with relevant NSW EPA noise emission criteria and Australian Standards.

#### **Construction Traffic Management Plan**

9. ARUP would ensure that a Construction Traffic Management Plan (CTMP) is prepared and submitted to the NSW 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.
  - e) be in accordance with the CTMP approved under SSD 9522.

#### **Construction Environmental Management Plan**

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

#### **Monitoring the State of Roadways**

11. The Proponent will monitor the state of roadways leading to and from the Subject Site and will take all necessary steps to clean up any adversely impacted road pavements as directed by Council.

#### **Waste Receipts**

12. 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 records will be made available to authorised person upon request.

## 7.2 SPECIFIC ENVIRONMENTAL COMMITMENTS

### General Noise Recommendations

13. Construction on the Subject Site would only be undertaken between 7am and 6pm Monday to Friday, and 8am and 1pm on Saturdays. No construction will be permitted at the Subject Site on Sundays or public holidays. The following specific measures are proposed throughout the construction and operational phases of development:
- a) Prompt response to any community issues of concern;
  - b) Noise monitoring on-site and within the surrounding areas;
  - c) Refinement of on-site noise mitigation measures and plant operating procedures where practical;
  - d) Preparation of a formal noise management plan including noise monitoring program;
  - e) For equipment with enclosures (i.e. compressor rooms) ensure door and seals are well maintained and kept closed when not in use;
  - f) Keep plant and equipment well maintained, regular inspection and maintenance of equipment to ensure it is good working order;
  - g) Equipment not to be operated until it is maintained or repaired;
  - h) Regularly train workers (i.e. toolbox talks) to use equipment in ways to minimise noise;
  - i) Operate mobile plant in a quiet, efficient manner;
  - j) Switching off vehicles and plant when not in use; and,
  - k) Incorporate clear signage at the site including relevant contact numbers for community enquiries.

### Construction Noise Recommendations:

14. Preparation and implementation of a CNVMP.

### Construction Traffic

15. During construction:
- a) all trucks entering or leaving the Site with loads, will have their loads covered;
  - b) trucks associated with the project do not track dirt onto the public road network; and,
  - c) the public roads used by these trucks are to be kept clean.

### Dust Management

16. During the construction phase of the project, all reasonable and feasible measures to minimise dust generation by the project. These include:

Source	Control Measures
General	
Visual Inspection	Carry out visual inspections of the Subject Site during site preparatory and 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 using the latest technologies (i.e. water sprays nozzles) and measures to ensure the effectiveness of such 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 implementing additional vegetated buffers around the boundary of the Site to provide a physical barrier to the transportation of pollutants in the direction of sensitive receptors.
Waste Materials	Cleared vegetation, demolition materials and other combustible waste material will not be burnt on-site.

	All waste materials be appropriately contained (in skips, bins) and covered during adverse weather conditions and handled in accordance with the Subject Site's Waste Management Plan.
<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>- Regularly assess weather conditions to identify adverse weather conditions that are unfavourable in terms of dust levels at receptor locations surrounding the Site (such as on dry days, during strong winds, particularly north easterly winds blowing in direction of the school(s) along Bakers Lane).</li> </ul>
Stockpile/s	<ul style="list-style-type: none"> <li>- Water sprays and/or covers will be employed for material stockpiles, particularly during adverse weather conditions, to minimise dust generation.</li> <li>- Stockpiles will be covered overnight.</li> <li>- Use of chemical dust suppressants will also be used where necessary.</li> <li>- Fencing, bunding or shelterbelts will be used to reduce ambient wind speeds (in some areas).</li> </ul>
Transportation (Trucks)	<ul style="list-style-type: none"> <li>- Truck loads will be 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 will be watered down using a water-cart and/or sprinklers to minimise the generation of dust.</li> <li>- Haulage vehicles will 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 will have designated speed limits (i.e. 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 tracks out onto main roads would be cleaned 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 will be minimised wherever possible (reduce to 8 m).</li> </ul>
Plant and Equipment	<ul style="list-style-type: none"> <li>- All plant and equipment used during activities will 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> </ul>

	<ul style="list-style-type: none"> <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**

17. ARUP will 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**

18. ARUP will install silt traps during the construction phase to ensure there are no pollutants or sediments that exit the site or unacceptable impacts result on surrounding vegetation or waterways.

### **Hazards and Risks**

19. ARUP will prepare a Fire Safety Study (FSS) for the Proposal in consultation with Fire and Rescue NSW. The FSS will be issued as a Post-Approval document, subject to approval by the Planning Secretary and Fire and Rescue NSW. The FSS will be formalised prior to the issue of the relevant Construction Certificate requiring consideration of the FSS.

### **Protection of Vegetation**

20. ARUP will mark the clearance boundaries prior to commencement of construction to ensure that there is no unnecessary removal of vegetation.

### **Aboriginal Heritage**

21. Based on the ACHAR for the bulk earthworks (SSD 9522), this assessment has identified that Aboriginal objects are not likely to occur beneath the ground surface. As such further archaeological assessment of the study area is not required.
22. Unexpected Aboriginal objects remain protected by the National Parks and Wildlife Act 1974. If any such objects, or potential objects, are uncovered in the course of the activity that are not covered by an AHIP, all work in the vicinity should cease immediately. A qualified archaeologist should be contacted to assess the find and Heritage NSW and DLALC must be notified.
23. If human remains, or suspected human remains, are found in the course of the activity, all work in the vicinity should cease, the site should be secured and the NSW Police and the Office of Environment and Heritage NSW should be notified.

### **Ecologically Sustainable Development**

24. ARUP 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 and Ecology.
  - (g) Emissions.
  - (h) Building Management.

## **Bushfire Protection**

25. ARUP will ensure that:

- a) The relevant provisions of *Planning for Bushfire Protection 2022* are complied with;
- b) The recommendations within the 'Bushfire Protection Assessment for the Construction of the Proposed SYD05-06-07 Data Centre on No.706-769 Mamre Road, Kemps Creek', prepared by Australian Bushfire Protection Planners Pty Ltd, dated 18 March 2021 are complied with.
- c) The requirements under AS2419.1-2021 Fire Hydrant Installations are complied with, except as modified by a Fire Engineered Performance Solution.



### APPENDIX 3 NOISE RECEIVER LOCATIONS



## **APPENDIX 4 INCIDENT NOTIFICATION AND REPORTING REQUIREMENTS**

### **WRITTEN INCIDENT NOTIFICATION REQUIREMENTS**

1. A written incident notification addressing the requirements set out below must be submitted to the Planning Secretary via the Major Projects website within seven days after the Applicant becomes aware of an incident. Notification is required to be given under this condition even if the Applicant fails to give the notification required under condition C12 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.

### **INCIDENT REPORT REQUIREMENTS**

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.