

# Development Consent

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

The [NSW](#) Independent Planning Commission (the Commission) ~~grants consent to, as the declared consent authority under clause 8A of State Environmental Planning Policy (State and Regional Development) 2011 and section 4.5(a) of the Environmental Planning and Assessment Act 1979, approves~~ the development application referred to in Schedule 1, subject to the conditions in Schedule 2.

These conditions are required to:

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

Ms Juliet Grant  
Member of the Commission

Dr Bronwyn Evans AM  
Member of the Commission

Sydney [XX January](#) 2023 File: EF21/10619

### SCHEDULE 1

Application Number:	SSD-24299707
Applicant:	Macquarie Data Centres Pty Ltd
Consent Authority:	<a href="#">NSW</a> Independent Planning Commission
Site:	17-23 Talavera Road, Macquarie Park  Lot 527 DP 752035 Part Lot 3 DP 1043041
Development:	Construction and operation of an expansion to an existing data centre, comprising: <ul style="list-style-type: none"><li>• a seven-storey building extension with ancillary office space;</li><li>• supporting infrastructure and services, including back-up generators and diesel fuel storage; and</li><li>• minor earthworks, additional car parking, hardstand areas, landscaping and relocation of utilities.</li></ul>

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## DEFINITIONS

<b>Applicant</b>	Macquarie Data Centres Pty Ltd, or any person carrying out any development to which this consent applies
<b><u>Application Documents</u></b>	<u>The EIS, the Amendment Report and all appendices and supplementary information to the EIS and the Amendment Report including, but not limited to, the Flood Impact Assessment Report prepared by Northrop dated 27 October 2022</u>
<b>Amendment Report</b>	The Amendment Report titled <i>Response to Submissions: Talavera Road Data Centre Campus Expansion (IC3 Super West)</i> , prepared by Willowtree Planning Pty Ltd and dated 8 November 2022, submitted with a request to amend the application for consent for the development and additional stormwater trunk drainage drawings submitted on 10 November 2023
<b><u>BCA</u></b>	<u>Building Code of Australia</u>
<b>CEMP</b>	Construction Environmental Management Plan
<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>CNVMP</b>	Construction Noise and Vibration Management Plan
<b>Conditions of this consent</b>	Conditions contained in Schedule 2 of this document
<b>Construction</b>	The demolition and removal of buildings or works, the carrying out of works for the purpose of the development, including earthworks, and the erection of buildings and other infrastructure permitted by this consent
<b>Council</b>	City of Ryde 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>Deed for Easement Relocation</b>	Means the deed entered into by the Council of the City of Ryde, One Funds Management Limited (as trustee for the KDCR Australia Sub-Trust 1) and Macquarie Data Centres Pty Limited and executed on 7 November 2023 as it relates to the construction and commissioning of a new stormwater pipe and decommissioning of an existing stormwater pipe
<b>Department</b>	<u>NSW Department of Planning, Housing and Infrastructure (formerly the NSW Department of Planning and Environment)</u>
<b>Development</b>	The development described in Schedule 1, the EIS and the Amendment Report, as modified by the conditions of this consent
<b>Development layout</b>	The plans at Appendix 1 of this consent
<b>Earthworks</b>	Includes bulk earthworks, site levelling, import and compaction of fill material, and excavation for installation of drainage and services
<b>EIS</b>	The Environmental Impact Statement titled <i>Environmental Impact Statement: Talavera Road Data Centre Campus Expansion (IC3 Super West)</i> , prepared by Willowtree Planning Pty Ltd and dated 8 November 2021, submitted with the application for consent for the development
<b>Emergency operations</b>	The use of the data centre expansion (for the collection, storage, processing and/or distribution of electronic data), associated office space 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>Evening</b>	The period from 6 pm to 10 pm
<b>FRNSW</b>	Fire and Rescue NSW
<b>FSS</b>	Fire Safety Study

**Commented [IPC1]:** Note to Department: The intention of this addition is to include specific mention of the FIRA which is not specified elsewhere in the consent.

**Commented [IPC2]:** Note to Department: Replaced with NCC throughout consent.

<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>ICNG</b>	<i>Interim Construction Noise Guideline</i> (DECC, 2009)
<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>Note:</b> "material harm" is defined in this consent
<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>	<a href="#">NSW Minister for Planning and Public Spaces (or delegate)</a>
<b>Mitigation</b>	Activities associated with reducing the impacts of the development prior to or during those impacts occurring
<b>NCC</b>	<a href="#">National Construction Code means the current standard published by the Australian Building Codes Board which applies at the time the relevant work is undertaken.</a>
<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>Operation</b>	The use of the data centre expansion and/or the ancillary office space, as described in the EIS and Amendment Report and as modified by the conditions of this consent
<b>Planning Secretary</b>	Secretary of the Department, or delegate
<b>POEO Act</b>	<i>Protection of the Environment Operations Act 1997</i>
<b>Power outage event</b>	A sustained interruption to the site's connection to the National Electricity Market, which lasts for a period of more than 15 minutes
<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>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>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 of this consent
<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

**Commented [IPC3]:** Note to Department: Term not used.

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

#### LIMITS OF CONSENT

##### Lapsing

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

##### Sydney Water Sewer Main

- A6. Prior to the commencement of construction of the main data centre building, the Applicant must relocate such parts of the 300 mm diameter sewer main which traverses the site, to the satisfaction of Sydney Water.

*Note: For the purposes of condition A6, Sydney Water's role may be carried out by an accredited Water Servicing Coordinator.*

##### Council's Stormwater Pipe and Easement

- A7. The Applicant must carry out the relocation of Council's existing stormwater pipe and easement in accordance with the Deed for Easement Relocation entered into by the Council of the City of Ryde, One Funds Management Limited (as trustee for the KDCR Australia Sub-Trust 1) and Macquarie Data Centres Pty Limited and executed on 7 November 2023.

~~A8. Prior to the issue of a Construction Certificate for works within Council's existing stormwater easement, a certificate from a suitably qualified Chartered Civil Engineer (registered on the NER of Engineers Australia), or equivalent, must be provided to Council, confirming that the existing 1,800 mm stormwater pipe has been fully grout-filled.~~

##### New Easements and Positive Covenants

~~A9-A8.~~ Prior to the commencement of operation, the Applicant must register an easement over the new 2,100 mm stormwater pipe and its associated stormwater pits, pursuant to the relevant section of the *Conveyancing Act 1919*.

The new easement must be for the purpose of construction and maintaining stormwater drainage structures and be prepared in accordance with the relevant requirements of the Deed for Easement Relocation (see condition A7).

~~A10-A9.~~ Following the completion of the new 2,100 mm stormwater pipe around the perimeter of the site (see condition A7), the Applicant may extinguish the following on-site easements:

- (a) the easement covering the decommissioned 1,800 mm stormwater pipe; and
- (b) the 'Stage 2' easement approved/registered under LDA2018/0322.

~~A11-A10.~~ Prior to the commencement of operation, the Applicant must register a positive covenant over the existing overland flow path through the site, pursuant to section 88E of the *Conveyancing Act 1919*.

**Commented [IPC4]:** Note to Department: Condition A8 has been deleted as the works are already covered in the Deed between Council and the Applicant.

The positive covenant must place a restriction on title requiring the overland flow path and any associated flood storage areas to be maintained and kept free of debris/weed to allow for the unobstructed passage of overland flow water through the site/underneath the development.

**A12-A11.** Any easement(s) or positive covenant(s) required by this consent (see conditions A8 and A10) must nominate Council as the authority to release, vary or modify the easement(s) or positive covenant(s), and must be prepared in accordance with:

- (a) the requirements of Council's City Works Directorate; and
- (b) the standard format for easements and positive covenants as accepted by the NSW Land Registry Services.

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

**A13-A12.** 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 A12, 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 A12, rather than five hours.

**A14-A13.** This development consent does not permit the use of the back-up generators:

- (a) for the purposes of generating electricity to be distributed via the National Electricity Market; or
- (b) to support load curtailment at the site.

#### **NOTIFICATION OF COMMENCEMENT**

**A15-A14.** 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.

**A16-A15.** 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**

**A17-A16.** 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**

**A18-A17.** 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).

**A19-A18.** 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 this consent.

**A20-A19.** 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.

## COMPLIANCE

[A21-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.

## UTILITIES, SERVICES AND PUBLIC INFRASTRUCTURE

### General Requirements

[A22-A21.](#) Prior to the commencement of construction of the development, the Applicant must consult with the relevant owner and provider of utility services or public infrastructure that are likely to be affected by the development or that need to be installed as part of the development, to make suitable arrangements for relevant approvals, access to, diversion, protection and support of the affected services or infrastructure.

[A23-A22.](#) Unless the Applicant and the applicable authority agree otherwise, the Applicant must:

- (a) repair, or pay the full costs associated with repairing, any public infrastructure that is damaged by carrying out the development;
- (b) relocate, or pay the full costs associated with relocating, any public infrastructure that needs to be relocated as a result of the development; and
- (c) obtain any relevant approval(s) from the relevant service provider(s), prior to undertaking construction of the corresponding utility works.

### Pre-construction Dilapidation Report

[A24-A23.](#) Prior to the commencement of construction of the development, the Applicant must submit a pre-construction dilapidation report to the Certifier and Council. The report must:

- (a) provide an accurate record of the existing condition of public infrastructure in the vicinity of the site (including, but not limited to, roads, gutters and footpaths); and
- (b) include a closed-circuit television (CCTV) assessment of existing stormwater lines and kerb lintel pit/s in the vicinity of the site, undertaken in accordance with the requirements of Council's City Works Directorate.

### Post-construction Dilapidation Report

[A25-A24.](#) Prior to the commencement of operation of the development, the Applicant must submit a post-construction dilapidation report to the Certifier and Council. The report must:

- (a) provide an accurate record of the post-construction condition of public infrastructure in the vicinity of the site (including, but not limited to, roads, gutters and footpaths);
- (b) include a closed-circuit television (CCTV) assessment of existing stormwater lines and kerb lintel pit/s in the vicinity of the site, including all new stormwater infrastructure dedicated to Council (see condition A7), undertaken in accordance with the requirements of Council's City Works Directorate; and
- (c) where relevant, compare post-construction conditions to the conditions documented in the pre-construction dilapidation report (see condition A23).

### Compliance Certificate – Public Domain

[A25.](#) Prior to the issue of an Occupation Certificate, the Applicant must obtain a Compliance Certificate from Council's City Works Directorate confirming that all works in the road reserve (including all public domain improvement works) and restoration of infrastructure assets that have been dilapidated as a result of construction works (see condition A24), have been completed to Council's satisfaction and in accordance with Council's approved drawings.

### Sydney Water

A26. Prior to the issue of an Occupation Certificate, 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*.

### DEMOLITION

A27. All demolition must be carried out in accordance with *AS 2601-2001 The Demolition of Structures* (Standards Australia, 2001).

### STRUCTURES, EXTERNAL WALLS AND CLADDING

A28. 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 [BCANCC](#).

#### Note:

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

**Commented [IPC5]:** Note to Department: The intention of this condition is to ensure all public domain works and any works to be handed over to Council are completed to the satisfaction of Council. This approach is consistent with nearby data centre SSD consents.

A29. Prior to the issue of:

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

the Applicant must provide the Certifier with documented evidence that the products and systems proposed for use or used in the construction of external walls (including finishes and claddings such as synthetic or aluminium composite panels) comply with the requirements of the [BCANCC](#).

A30. The Applicant must provide a copy of the documentation given to the Certifier to the Planning Secretary within 7 days after the Certifier accepts it.

#### **WORK-AS-EXECUTED DRAWINGS**

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

- (a) the relocation of Council's existing stormwater pipe (see condition A7);
- (b) the development's stormwater drainage system (see condition B43); and
- (c) finished ground levels.

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

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

A32. 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.

#### **APPLICABILITY OF GUIDELINES**

A33. 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.

A34. 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 below.

**Table 1** Hours of work

Activity	Day	Time
Construction	Monday – Friday Saturday	7 am to 6-7 pm 8 am to 4-3 pm
Operation (excluding back-up generator testing)	Monday – Sunday	24 hours
Back-up generator testing	Monday – Friday	7 am to 6 pm

**Commented [IPC6]:** Note to Department: The intention of the amendment to the hours of work was to align with Council's standard construction hours.

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

#### Construction Noise Limits

- B3. The development must be constructed to achieve the construction noise management levels detailed in the ICNG (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 Appendix 2 of this consent.

#### Construction Noise and Vibration Management Plan

- B4. Prior to the commencement of construction, the Applicant must prepare a Construction Noise and Vibration Management Plan (CNVMP) for the development to the satisfaction of the Planning Secretary. A copy of the CNVMP must be included in the development's CEMP (see condition C2), and must:
- (a) be prepared by a suitably qualified and experienced noise expert(s);
  - (b) describe procedures for achieving the noise management levels in the ICNG (as may be updated or replaced from time to time);
  - (c) describe the measures that would be implemented to manage high noise-generating works (such as piling);
  - (d) include strategies that have been developed in consultation with adjoining businesses for managing high noise-generating works, including those works that will be undertaken in close proximity to Excelsia College;
  - (e) describe the consultation that would be undertaken with adjoining businesses during construction, including direct consultation with Excelsia College to develop the strategies outlined in condition B4(d); and
  - (f) include a complaints management system that would be implemented for the duration of construction.
- B5. The Applicant must:
- (a) not commence construction until the CNVMP (see by condition B4) has been approved by the Planning Secretary; and
  - (b) implement the most recent version of the CNVMP approved by the Planning Secretary for the duration of construction.

### 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 at the receiver locations shown in Appendix 3 of this consent.

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

Location	Night L <sub>Aeq</sub> (15 minute)
Compliance Point 1 (CP1)	60
Compliance Point 2 (CP2)	60
Residential receivers in NCA01	43
Residential receivers in NCA02	43
Residential receivers in NCA03	38

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

**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).

### Post-Commissioning Noise Verification Report

- B7. Within three months of the commencement of full operation of the development (described in the EIS as being when all data storage equipment and associated infrastructure is in place and operating), or as otherwise directed by the Planning Secretary, the Applicant must prepare and submit a noise verification report for the development. The noise verification report must:
- (a) be prepared to the satisfaction of the Planning Secretary by a suitably qualified acoustic consultant;
  - (b) demonstrate that noise verification has been carried out by a suitably qualified and experienced acoustic consultant in accordance with the latest version of:
    - (i) AS 1055:2018 Acoustics – Description and measurement of environmental noise (Standards Australia, 2018); and
    - (ii) Approved Methods for the Measurement and Analysis of Environmental Noise in NSW (EPA, 2022); and
  - (c) include:
    - (i) an analysis of the development's compliance with the noise limits specified in condition B6;
    - (ii) an outline of management actions to be taken to address circumstances where the noise limits specified in condition B6 are exceeded; and
    - (iii) a description of contingency measures in the event management actions are not effective in reducing noise levels to an acceptable level.

### VIBRATION

#### Vibration Criteria

- B8. 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).
- B9. The limits in condition B8 apply unless otherwise outlined in the development's CNVMP (see condition B4).

### AIR QUALITY

#### Dust Minimisation

- B10. The Applicant must take all reasonable steps to minimise dust generated during all works authorised by this consent.
- B11. During construction of the development, the Applicant must ensure that:
- (a) exposed surfaces and stockpiles are suppressed by regular watering or other alternative dust 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

**Commented [IPC7]:** Question to the Department: Why is the German standard used in this instance instead of the NSW Government Guide:  
**Assessing Vibration: a technical guideline** February 2006  
Published by the Department of Environment and Conservation?

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

#### Air Quality Discharges

- B12. 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

- B13. 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.

#### Power Outage Notification Protocol

- B14. 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.*

- B15. The Applicant must:
- (a) not commence operation until the PONP (see condition B14) 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

- B16. 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) *AS IEC 62619:2017 Secondary cells and batteries containing alkaline or other non-acid electrolytes – Safety requirements for secondary lithium cells and batteries, for use in industrial applications* (Standards Australia, 2017); and
- (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

- B17. 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 complies with:
  - (i) *AS/NZS 4681:2000 The storage and handling of Class 9 (miscellaneous) dangerous goods and articles* (Standards Australia, 2000);
  - (ii) *AS IEC 62619:2017 Secondary cells and batteries containing alkaline or other non-acid electrolytes – Safety requirements for secondary lithium cells and batteries, for use in industrial applications* (Standards Australia, 2017); and

(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 the fire safety system's compliance with *Loss Prevention Data Sheet 5-32 – Data centres and related facilities* (FM Global Property, 2022).

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

B18. 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 B17) 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.

#### Emergency Plan

B19. At least two months prior to the commencement of operation of the development, or within such further period as the Planning Secretary may agree, the Applicant must prepare and submit a comprehensive Emergency Plan and detailed emergency procedures for the development. The Emergency Plan must:

- (a) be prepared in accordance with *Hazardous Industry Planning Advisory Paper No. 1, 'Emergency planning'* (DoP, 2011); and
- (b) include an Emergency Services Information Package (ESIP), prepared in accordance with *Fire safety guideline – Emergency services information package and tactical fire plans* (FRNSW, 2019).

B20. The Applicant must:

- (a) not commence operation of the development until the Emergency Plan (see condition B19) has been submitted to the Planning Secretary;
- (b) implement the most recent version of the Emergency Plan for the duration of the development; and
- (c) keep two copies of the ESIP on-site in a prominent position adjacent to the site entry points at all times.

#### Further Requirements

B21. The Applicant must comply with all reasonable requirements of the Planning Secretary in respect of the implementation of any measures arising from the reports submitted in respect of conditions B17 to B20 inclusive, within such time as the Planning Secretary may agree.

B22. The quantities of dangerous goods stored and handled at the site must be below the threshold quantities listed in the *Hazardous and offensive development application guidelines – Applying SEPP 33* (DoP, 2011) at all times.

B23. The Applicant must store all chemicals, fuels and oils used on-site in accordance with:

- (a) the requirements of all relevant Australian Standards; and
- (b) for liquids, the *Storing and Handling Liquids: Environmental Protection – Participants Manual* (DECC, 2007).

B24. In the event of an inconsistency between the requirements of conditions B23(a) and B23(b), the most stringent requirement must prevail to the extent of the inconsistency.

#### TRAFFIC AND ACCESS

##### Construction Traffic Management Plan

B25. Prior to the commencement of construction, the Applicant must prepare a Construction Traffic Management Plan (CTMP) for the development to the satisfaction of the Planning Secretary. A copy of the CTMP must be included in the development's CEMP (see 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, including consideration of limiting heavy vehicle movements to the site during peak periods;
- (d) include details of:
- (i) heavy vehicle routes, parking and access arrangements;
  - (ii) the strategies which would be implemented to maintain access to the existing data centre; and
  - (iii) the strategies which would be implemented to manage construction workers, including any on-site parking as well as strategies to minimise the number of construction workers who drive to the site;
- (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 surrounding businesses of any potential disruptions to routes.

B26. The Applicant must:

- (a) not commence construction until the CTMP (see condition B25) is approved by the Planning Secretary; and
- (b) implement the most recent version of the CTMP approved by the Planning Secretary for the duration of construction.

#### Access and Parking Requirements

B27. Prior to the issue of a Construction Certificate for the perimeter access driveway (including access to the existing on-site loading docks), the Applicant must submit design plans to the satisfaction of Council as the relevant roads authority which demonstrate the proposed access arrangements are:

- (a) designed to accommodate the turning path and minimum height clearance of a 19-metre articulated vehicle; and
- (b) consistent with the most recent version of the Austroads *Guide to Road Design* and the relevant TfNSW supplements.

B28. The north-eastern driveway is to be restricted to entry only vehicular movements (that is, no vehicles are to exit from this driveway). Regulatory 'No Exit' signs are to be installed to advise drivers of this arrangement.

B29. The Applicant must provide sufficient parking facilities on-site, including for heavy vehicles and for site personnel, to ensure that traffic associated with the operation of the development does not park in nearby public and residential streets or public parking facilities.

B30. Prior to the commencement of operation, a minimum of twelve (12) bicycle parking spaces must be provided at the site. All bicycle parking infrastructure must be located and installed in accordance with the applicable design standards contained in *AS 2890.3:2015 Parking facilities, Part 3: Bicycle parking* (Standards Australia, 2015), to the satisfaction of the Certifier.

#### Operating Conditions

B31. 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/NZS 2890.1-2004 Parking facilities – Off-street car parking* (Standards Australia, 2004), *AS 2890.2:2018 Parking facilities, Part 2: Off-street commercial vehicle facilities* (Standards Australia, 2018) and *AS/NZS 2890.6-2009 Parking facilities, Part 6: Off-street parking for people with disabilities* (Standards Australia, 2009);
- (b) the development does not result in any vehicles queuing on the public road network;
- (c) heavy vehicles, equipment and bins associated with the development are not parked and/or stored on local roads or footpaths in the vicinity of the site;
- (d) all vehicles are wholly contained on site before being required to stop;
- (e) all loading and unloading of materials is carried out on-site; and
- (f) all on-site turning areas are kept clear of any obstacles, including parked vehicles, at all times.

#### Loading Dock Management Plan

B32. Prior to the commencement of operation, the Applicant must prepare a Loading Dock Management Plan (LDMP) for the development. The Plan must:

- (a) provide details of:
- (b) the on-site service bays and/or loading docks; and
- (c) the number and frequency of service vehicle movements during operation; and
- (d) outline the measures which would be implemented to ensure service vehicles associated with the development do not adversely impact upon the surrounding road network.

B33. The Applicant must:

- (a) not commence operation until the LDMP has been submitted to the Planning Secretary; and
- (b) implement the most recent version of the LDMP submitted to the Planning Secretary for the duration of operation.

#### **Workplace Travel Plan**

- B34. Prior to the commencement of operation, the Applicant must prepare a Workplace Travel Plan to encourage the use of sustainable and active transport options by operational staff. The plan must:
- (a) be submitted to the Planning Secretary;
  - (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.
- B35. The Applicant must:
- (a) not commence operation until the Workplace Travel Plan (see condition B34) has been submitted to the Planning Secretary; and
  - (b) implement the most recent version of the Workplace Travel Plan submitted to the Planning Secretary for the duration of the development.

#### **SOILS, WATER QUALITY AND HYDROLOGY**

##### **Imported Soil**

- B36. The Applicant must:
- (a) ensure that only VENM, ENM, or other material approved in writing by the Environment Protection Authority 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**

- B37. Prior to the commencement of construction, the Applicant must install and maintain suitable erosion and sediment control measures on-site, in accordance with the relevant requirements of the *Managing Urban Stormwater: Soils and Construction – Volume 1: Blue Book* (Landcom, 2004) guideline and the erosion and sediment control plan(s) included in the development's CEMP (see condition C2).

##### **Discharge Limits**

- B38. The development must comply with section 120 of the POEO Act, which prohibits the pollution of waters, except as expressly provided for in an Environment Protection Licence.

##### **Flood Emergency Response Plan**

- B39. Prior to the commencement of operation, the Applicant must prepare a Flood Emergency Response Plan (FERP) for the development. The Plan must:
- (a) be prepared by a suitably qualified and experienced person(s);
  - (b) address the relevant provisions of the:
    - (i) *Floodplain Risk Management Manual* (June, 2023) and the Flood Risk Management Guideline EM01; and
    - (ii) *Macquarie Park Floodplain Risk Management Study & Plan* (Council, 2010);
  - (c) include details of:
    - (i) the flood emergency response procedures to be implemented during operation;
    - (ii) predicted flood levels;
    - (iii) flood warning time and flood notification;
    - (iv) assembly points, refuge areas and evacuation routes;
    - (v) refuge and evacuation protocols for all employees and contractors; and
    - (vi) awareness training for employees and any relevant persons associated with the development.
- B40. The Applicant must:
- (a) not commence operation until the FERP (see condition B39) has been submitted to the Planning Secretary; and
  - (b) implement the most recent version of the FERP submitted to the Planning Secretary for the operational life of the development.
- B41. All finished floor levels (with the exception of fire safety stairwells) must be no lower than the 1% Annual Exceedance Probability flood level plus 300 mm of freeboard.
- B42. Any structures below the 1% Annual Exceedance Probability flood level plus 300 mm of freeboard must be constructed from flood compatible building components.

### Stormwater Management System

- B43. The Applicant must finalise the detailed design of the development's stormwater management system, prior to the commencement of construction of that system. The stormwater management system must:
- (a) be designed by a suitably qualified and experienced person(s);
  - (b) be prepared in consultation with Council;
  - (c) be generally in accordance with the conceptual design in the Amendment Report;
  - (d) be in accordance with applicable Australian Standards; and
  - (e) ensure that the system capacity and blockage factors have been designed in accordance with *Australian Rainfall and Runoff* (Engineers Australia, 2019) and *Managing Urban Stormwater: Council Handbook* (EPA, 1997).
- B44. 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 B43) and ensure the system is operational.

### Stormwater – Construction Inspections

B45. The Applicant must undertake joint inspections with Council's Engineer and the Site Engineer to confirm the construction of the drainage and associated works is in accordance with the detailed design finalised in consultation with Council under condition B43. The scope and number of inspections required must be discussed and agreed with Council's engineer prior to the commencement of the drainage works.

Inspections will occur at the following hold points, unless otherwise agreed by Council:

- (a) upon installation of pipeline in the trench and installation of other drainage structures, prior to backfilling; and
- (b) upon backfilling of excavated areas and prior to the construction of the final pavement surface.

Work is not to proceed until the works are inspected and accepted by Council in writing.

B46. Following the completion of the final stage of the drainage and associated works and prior to the issue of an Occupation Certificate, the Applicant must submit all certifications from the Supervising Engineer for each hold point inspection carried out under condition B45 to Council's City Works Directorate for written acceptance.

### Public Infrastructure – Final Inspections

B47. Prior to the handover of public infrastructure assets to Council, the Applicant must undertake a final inspection of the assets in conjunction with Council's Engineer from the City Works Directorate. Any defects found during the inspection must be rectified by the Applicant, prior to Council issuing a Compliance Certificate for the external works (see condition A24).

### CONTAMINATION

#### Unexpected Contamination Finds Procedure

B45-B48. 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 development's CEMP (see 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.

### ABORIGINAL HERITAGE

#### Unexpected Finds Protocol

B46-B49. 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-B50. 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*.

#### Human Remains Procedure

B48-B51. If human remains are discovered on site during any works:

- (a) all work in the immediate vicinity of the human remains must cease immediately;
- (b) the area must be secured; and
- (c) the NSW Police Force and Heritage NSW must be contacted immediately.

**Commented [IPC8]:** Note to Department: The intention of these condition is to ensure all drainage works and any works to be handed over to Council are completed in accordance with the design finalised in consultation with Council. This approach is consistent with nearby data centre SSD consents.

**B49-B52.** Work in the immediate vicinity of the human remains must not recommence until this has been authorised by the NSW Police Force and Heritage NSW.

## **NON-ABORIGINAL HERITAGE**

### **Unexpected Finds Protocol**

**B50-B53.** If any non-Aboriginal archaeological relics are uncovered during any works being carried out for the development:

- (a) all work in the immediate vicinity of the suspected relic(s) must cease immediately;
- (b) Heritage NSW must be contacted immediately; and
- (c) the suspected relic(s) must be evaluated, recorded and, if necessary, excavated by a suitably qualified and experienced expert in accordance with the requirements of Heritage NSW.

**B51-B54.** Work in the immediate vicinity of any suspected non-Aboriginal archaeological relic(s) must not recommence until this has been authorised by Heritage NSW.

## **BIODIVERSITY AND LANDSCAPING**

### **Tree Protection**

**B52-B55.** All trees to be retained at the site and in the vicinity of the development's associated infrastructure works must be protected in accordance with the latest version of *AS 4970-2009 Protection of trees on development sites* (Standards Australia, 2009).

### **Landscaping**

**B53-B56.** Prior to the commencement of operation, the Applicant must prepare a Landscape Management Plan (LMP) to manage the on-site landscaping works, to the satisfaction of the Planning Secretary. The LMP must:

- (a) detail the species that have been planted on-site (including final planting densities and pot sizes);
- (b) describe the ongoing monitoring and maintenance measures which will be implemented to manage the landscaping works; and
- (c) be generally consistent with:
  - (i) the Landscape Plans included in the Amendment Report; and
  - (ii) the Applicant's Management and Mitigation Measures (see Appendix 2 of this consent).

**B54-B57.** The Applicant must:

- (a) not commence operation until the LMP (see condition B56) is approved by the Planning Secretary;
- (b) implement the most recent version of the LMP approved by the Planning Secretary; and
- (c) maintain all on-site landscaping in accordance with the approved LMP for the life of the development.

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

**B55-B58.** 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.

## **VISUAL AMENITY**

### **Lighting**

**B56-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.

### **Fencing**

**B57-B60.** All permanent fencing approved under this consent must be erected in accordance with the development plans included in the Amendment Report.

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



### Screening

B61. Prior to the issue of a Construction Certificate the Applicant must submit details to the satisfaction of the Planning Secretary of a continuous screening structure, as described in Part 4.5 Section 7.8 of *Ryde Development Control Plan 2014*, in the form of horizontal or vertical louvres with a consistent height at RL 96.88 to be provided on the roof level, so that the rooftop plant (including electrical plant, generator rooms and data hall) will not be directly visible at street level from the public domain of Talavera Road and the future DCP Road 1.

**Commented [IPC9]:** Note to Department: The intention of this is to improve the visual amenity of the Project as requested by Council.

### **WASTE MANAGEMENT**

B58-B62. The Applicant must assess and classify all liquid and non-liquid wastes to be taken off site in accordance with the latest version of *Waste Classification Guidelines Part 1: Classifying Waste* (EPA, 2014).

B59-B63. All waste materials removed from the site must only be directed to a waste management facility or premises lawfully permitted to accept the materials.

B60-B64. Waste generated outside the site must not be received at the site for storage, treatment, processing, reprocessing, or disposal.

B61-B65. 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.

## PART C ENVIRONMENTAL MANAGEMENT, REPORTING AND AUDITING

### ENVIRONMENTAL MANAGEMENT

#### Management Plan Requirements

- C1. Management plans required under this consent must be prepared in accordance with relevant guidelines, and include:
- (a) a condition compliance table;
  - (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 condition C1(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 (see condition C2), the Applicant must include the following:
- (a) details of the community consultation and complaints handling procedure to be implemented during construction;
  - (b) erosion and sediment control plan(s); and
  - (c) a copy of the development's:
    - (i) Construction Noise and Vibration Management Plan (see condition B4);
    - (ii) Construction Traffic Management Plan (see condition B25); and
    - (iii) Unexpected Contamination Finds Procedure (see condition B48).
- C4. The Applicant must:
- (a) not commence construction of the development until the CEMP (see condition C2) is approved by the Planning Secretary; and
  - (b) carry out the construction of the development in accordance with the CEMP approved by the Planning Secretary and as revised and approved by the Planning Secretary from time to time.

#### OPERATIONAL COMPLAINTS HANDLING PROTOCOL

- C5. 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;
  - (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; and

- (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.*

- C6. The Applicant must:
- (a) not commence operation until the OCHP (see condition C5) 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 operation.

#### REVISION OF STRATEGIES, PLANS AND PROGRAMS

- C7. Within three months of:
- (a) the submission of an incident report under condition C9;
  - (b) the submission of a Back-up Generator Incident Report under condition C10;
  - (c) the submission of a Compliance Report under condition C14;
  - (d) the approval of any modification of the conditions of this consent; or
  - (e) the issue of a direction of the Planning Secretary under condition A2(b) which requires a review,
- the strategies, plans and programs required under this consent must be reviewed and the Planning Secretary must be notified in writing of the review's outcome.
- C8. If identified as part of the review process (see condition C7), or considered necessary to improve the environmental performance of the development, the Applicant must ensure the strategies, plans and/or programs required under this consent are revised, to the satisfaction of the Planning Secretary.
- The revised document(s) must be submitted to the Planning Secretary for approval within six weeks of the review process taking place, or as otherwise agreed to in writing 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

- C9. The Planning Secretary must be notified in writing via the Major Projects website immediately after the Applicant becomes aware of an incident. The notification must identify the development (including the development application number, SSD-24299707) 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 of this consent.

##### Back-up Generator Incident Reporting

- C10. 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 B14);
  - (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

- C11. 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.

- C12. A non-compliance notification (see condition C11) must:
- (a) identify the development (including the development application number, SSD-24299707);
  - (b) set out the condition of consent that the development is non-compliant with and the way in which it does not comply;
  - (c) set out the reasons for the non-compliance (if known); and
  - (d) identify what actions have been, or will be, undertaken to address the non-compliance.

C13. A non-compliance which has been notified as an incident does not need to also be notified as a non-compliance.

#### Compliance Reporting

- C14. Within 12 months of the commencement of operation of the development, and in the same month each subsequent year (or as otherwise agreed to in writing by the Planning Secretary), the Applicant must prepare and submit a Compliance Report for the development to the satisfaction of the Planning Secretary. Each Compliance Report must review the environmental performance of the development over the previous year, and must:
- (a) be prepared in accordance with the *Compliance Reporting Post Approval Requirements* (Department, 2020);
  - (b) identify any emerging trends identified in complaints received over the life of the development (see condition C5(c));
  - (c) identify any discrepancies between the predicted and actual impacts of the development, and analyse the potential cause of any significant discrepancies; and
  - (d) if necessary, describe what measures will be implemented over the next year to improve the environmental performance of the development.

#### Back-up Generator Test Log

C15. For the life of the development (or such other time as agreed to in writing by the Planning Secretary), the Applicant must maintain a log of all back-up generator tests undertaken at the site. For each test, the log must detail the following:

- (a) the date and time of the test;
- (b) the total number of back-up generators which were tested; and
- (c) the duration of the test.

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

#### Monitoring and Environmental Audits

C16. 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

C17. At least 48 hours before the commencement of construction of the development and for the life of the development (or such other time as agreed to in writing by the Planning Secretary), 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, excluding any document described in conditions B17 and B19;
  - (iv) a summary of the current stage and progress of the development;
  - (v) contact details to enquire about the development or to make a complaint;
  - (vi) a complaints register, updated quarterly (see conditions C3(a) and C5(c));
  - (vii) any other matter required by the Planning Secretary; and
- (b) keep such information up to date, to the satisfaction of the Planning Secretary.

## APPENDIX 1 DEVELOPMENT LAYOUT PLANS

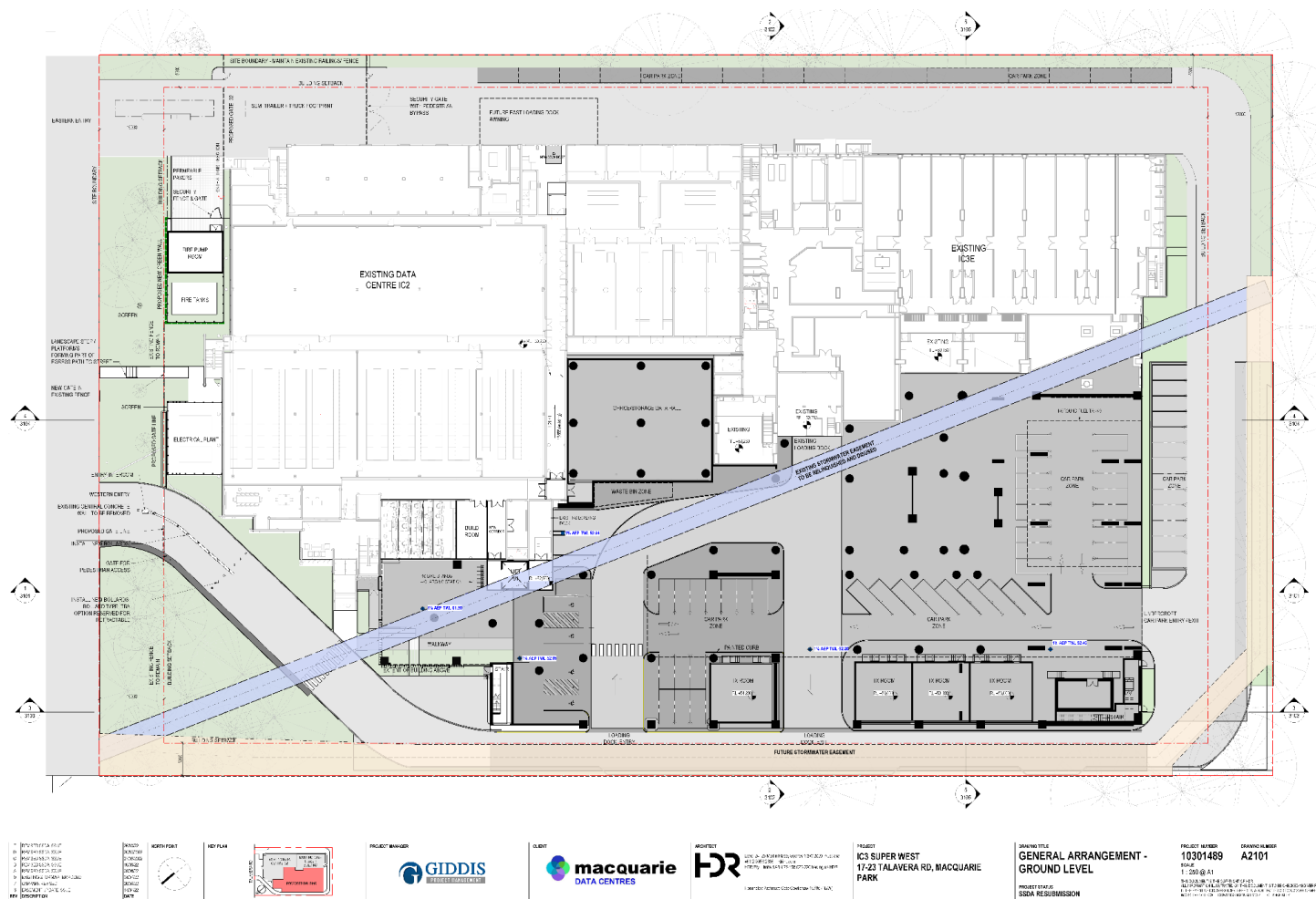


Figure 1: Site plan (Ground level)

PROJECT NO.	DRAWING NO.	REV	DATE	TITLE
<b>Architectural drawings prepared by HDR Pty Limited</b>				
10301489	A2101	E	26/10/2022	General arrangement – Ground level
10301489	A2102	E	26/10/2022	General arrangement – Level 01
10301489	A2102.1	C	26/10/2022	General arrangement – Level 01B
10301489	A2103	E	26/10/2022	General arrangement – Level 02
10301489	A2104	E	26/10/2022	General arrangement – Level 03
10301489	A2105	E	26/10/2022	General arrangement – Level 04
10301489	A2106	E	26/10/2022	General arrangement – Level 05
10301489	A2107	E	26/10/2022	General arrangement – Level 06
10301489	A2108	D	26/10/2022	General arrangement – Roof level
10301489	A3011	E	26/10/2022	North elevation
10301489	A3012	E	26/10/2022	West elevation
10301489	A3013	E	26/10/2022	South elevation
10301489	A3014	D	26/10/2022	East elevation
<b>Civil drawings prepared by Northrop Consulting Engineers</b>				
170095-02	C101.02	B	06.07.23	Specification notes
170095-02	C104.01	B	06.07.23	Siteworks and stormwater management plan
170095-02	C104.01	B	06.07.23	Siteworks and stormwater management plan (marked up version with Zones)
170095-02	C104.11	B	06.07.23	Civil Engineering Sketch – Stormwater Easement Plan
170095-02	C104.21	B	06.07.23	Stormwater longitudinal section
170095-02	C104.31	B	06.07.23	Stormwater cross sections – Sheet 01
170095-02	C104.32	B	06.07.23	Stormwater cross sections – Sheet 02
170095-02	C105.01	B	06.07.23	Stormwater catchment plan
170095-02	C110.01	B	06.07.23	Details – Sheet 01
170095-02	C110.02	B	06.07.23	Details – Sheet 02
170095-02	C110.03	B	06.07.23	Details – Sheet 03
170095-02	C110.04	B	06.07.23	Details – Sheet 04
170095-02	C202.01	01	26.10.22	Sediment and soil erosion control plan
170095-02	C203.01	01	26.10.22	Level difference plan
170095-02	C208.01	01	26.10.22	Retaining wall alignment control plan
170095-02	C208.11	01	26.10.22	Retaining wall longitudinal section – Sheet 01

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



## PLANNED MANAGEMENT & MITIGATION MEASURES FOR THE PROPOSED DEVELOPMENT

By:	Macquarie Data Centres
In relation to:	State Significant Development Application (SSD-24299707) For Talavera Road Data Centre Campus Expansion
Site:	17 – 23 Talavera Road, Macquarie Park Lot 527 DP 752035

Macquarie Data Centres (MDC), plan to undertake the construction and operation of the proposed data centre, in accordance with the following subsections.

PLANNED MANAGEMENT AND MITIGATION MEASURES FOR SSD-24299707		
ID	Management / Mitigation Measure	Timing
Administrative Commitments		
A1	<b>Commitment to Minimise Harm to the Environment</b> MDC will commit to implement all reasonable and feasible measures, to prevent and/or minimise any harm to the environment, that may result from the construction or operation of the proposed development	Prior to construction, during construction, and during operation.
A2	<b>Terms of Approval</b> MDC would carry out the project generally in accordance with the: <ul style="list-style-type: none"> <li>(a) <a href="#">Environmental Impact Statement and supplementary information including the Amendment Report and Response to Submissions</a>;</li> <li>(b) Drawings;</li> <li>(c) Management and Mitigation Measures;</li> <li>(d) Any Conditions of Approval.</li> </ul> If there is any inconsistency between the above, the Conditions of Approval shall prevail to the extent of the inconsistency.	Prior to construction, during construction, and during operation.
A3	<b>Occupation Certificate</b> MDC would ensure that Occupation Certificates are obtained prior to the occupation of the facilities.	Prior to operation.
A4	<b>Compliance</b> MDC would ensure compliance with any reasonable requirement(s) of the Secretary of the DP <a href="#">HIE</a> arising from the assessment of: <ul style="list-style-type: none"> <li>(a) Any reports, plans, programs, strategies or correspondence that are submitted in relation to this Approval; and</li> <li>(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.</li> </ul>	Prior to construction, during construction, and during operation.
A5	<b>Structural Adequacy</b>	During construction.

**Commented [IPC10]:** Note to Department: The intention of this is to capture the amendments made to the Project throughout the assessment process.

PLANNED MANAGEMENT AND MITIGATION MEASURES FOR SSD-24299707		
ID	Management / Mitigation Measure	Timing
	MDC would ensure that all new buildings and structures on the site are constructed in accordance with the relevant requirements of the National Construction Code.	
A6	<b>Construction Environmental Management Plan</b> Prior to the commencement of construction, MDC would prepare a Construction Environmental Management Plan (CEMP) that addresses the following: (a) Air Quality; (b) Noise and Vibration; (c) Waste Classification; (d) Erosion and Sediment Control; (e) Materials Management Plan; and (f) Community Consultation and Complaints Handling.	Prior to construction.
A7	<b>Site Induction</b> All staff employed on the site by the construction contractor would be required to undergo a site induction.	Prior to construction.
A8	<b>Operation of Plant and Equipment</b> MDC would ensure that all plant and equipment used on-site, is maintained and operated in proper and efficient manner, and in accordance with relevant Australian Standards.	During operation.
A9	<b>Monitoring the State of Roadways</b> MDC would monitor the state of roadways leading to and from the subject site, during construction, and will take all necessary steps to clean up any adversely impacted road pavements as directed by the City of Ryde Council.	During construction.
A10	<b>Waste Receipts</b> MDC would ensure that a permanent record of receipts, for the removal of both liquid and solid waste from the subject site, be kept and maintained up to date at all times. Such records would be made available to authorised person upon request.	During construction and operation.
A11	<b>Complaints Handling</b> MDC would prepare an Operational Complaints Handling Protocol for the development, prior to the commencement of operations.	Prior to operation.
<b>Specific Environmental Commitments</b>		
<b>Noise and Vibration</b>		
NVI	During construction, MDC is committed to: <ul style="list-style-type: none"> <li>The use of less noisy plant and equipment, where feasible and reasonable.</li> <li>Proper maintenance of plant and equipment.</li> <li>Providing special attention to the use and maintenance of 'noise control' or 'silencing' kits fitted to machines to ensure they perform as intended.</li> </ul>	During construction.

PLANNED MANAGEMENT AND MITIGATION MEASURES FOR SSD-24299707		
ID	Management / Mitigation Measure	Timing
	<ul style="list-style-type: none"> <li>Strategically positioning plant on site to reduce the emission of noise to the surrounding neighbourhood and to site personnel.</li> <li>Avoiding any unnecessary noise when carrying out manual operations and when operating plant.</li> <li>Switching off any equipment not in use for extended periods during construction work.</li> <li>Limiting/avoiding, where possible, the simultaneous operation of noisy plant within discernible range of a sensitive receiver.</li> <li>Maximising, where practical, the offset distance between noisy plant and adjacent sensitive receivers.</li> <li>Where practical, plant that is used intermittently is to be throttled down or shut down when not in use.</li> <li>Direct noise-emitting plant away from sensitive receivers, where possible.</li> <li>Staging of construction works so as to erect solid external walls first and utilising them to provide noise shielding to the noise sensitive receivers. However, the structural integrity of the external walls should be investigated prior to implementing this measure and should be prioritised over the noise benefits.</li> </ul>	
<b>NV2</b>	In addition to the noise mitigation measures outlined above, a management procedure will need to be put in place to deal with noise complaints that may arise from construction activities. Each complaint will need to be investigated and appropriate noise amelioration measures put in place to mitigate future occurrences, where the noise in question is in excess of allowable limits.	Prior to construction.
<b>NV3</b>	MDC would consult with nearby stakeholders prior to commencing construction and throughout the construction phase, to keep them informed of progress and allow for feedback to be received on any complaints.	Prior to and during construction.
<b>NV4</b>	Noise monitoring would be carried out during the construction phase, in line with recommendations, as required.	During construction.
<b>NV5</b>	Construction noise and vibration management would form part of the CEMP, to be prepared for the project, as outlined in <b>A6</b> .	Prior to construction.
<b>NV6</b>	Where construction activity is to occur in close proximity to sensitive receivers, vibration testing of actual equipment would be carried out prior to their commencement of site operation, to determine site-specific acceptable buffer distances to the nearest affected receiver locations.	Prior to construction.
<b>NV7</b>	MDC would prepare an Operational Noise Management Plan, in line with the recommendations of the Noise and Vibration Report TM162 - 01F02 (Renzo Tonin & Associates, November 2021).	Prior to operation.

PLANNED MANAGEMENT AND MITIGATION MEASURES FOR SSD-24299707		
ID	Management / Mitigation Measure	Timing
<b>Air Quality</b>		
AQ1	Air quality mitigation and monitoring would form part of the CEMP, to be prepared for the project, as outlined in A6.	Prior to construction.
AQ2	MDC would ensure that all neighbouring properties be notified of any event that may require the emergency operation of all generators beyond a 30 minute duration.	During operation.
<b>Traffic and Transport</b>		
TT1	MDC would ensure that a Construction Traffic Management Plan (CTMP) is prepared and submitted to DPW. This plan would: (a) be submitted to the Secretary 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.	Prior to construction.
TT2	A site specific Traffic Control Plan (TCP) would be prepared in accordance with TfNSW's <i>Traffic Control at Work Sites Manual</i> once detailed construction staging is completed post-approval and if the vehicle haulage routes that utilises manoeuvres with traffic control are required.	Prior to construction.
TT3	A Site Supervisor would check all relevant traffic control management measures are in place prior to commencement of works.	Prior to construction.
TT4	MDC would prepare a Workplace Travel Plan.	Prior to operation.
<b>Hazards &amp; Risks</b>		
HR1	MDC would notify Safework NSW of the proposed storage of diesel fuel and lithium ion batteries.	Prior to operation.
HR2	MDC would ensure that the storage of combustible and flammable liquids shall be in accordance with Australian Standard AS1940 <i>Flammable Liquids Storage and Handling</i> .	During operation.
HR3	An emergency management plan (EMP) would be prepared in accordance with AS2745:2010. The EMP shall incorporate first attack firefighting training for Emergency Planning Committee and Emergency Control Organisation members and emergency procedures which reinforce containment of fires only where safe to do so.	Prior to operation.
<b>Cultural Heritage</b>		
H1	An Unexpected Finds Policy would be developed, in the unlikely event that relics are identified during ground disturbing works.	Prior to construction.

PLANNED MANAGEMENT AND MITIGATION MEASURES FOR SSD-24299707		
ID	Management / Mitigation Measure	Timing
H2	Unexpected Aboriginal objects remain protected by the National Parks and Wildlife Act 1974. If any such objects, or potential objects, are uncovered in the course of the activity, all work in the vicinity would cease immediately. A qualified archaeologist would be contacted to assess the find and Heritage NSW and Metropolitan Local Aboriginal Land Council would be notified.	During construction.
H3	If human remains, or suspected human remains, are found in the course of the activity, all work in the vicinity would cease, the site would be secured, and the NSW Police and Heritage NSW would be notified	During construction.
H4	All relevant staff, contractors and subcontractors would be made aware of their statutory obligations for heritage under the NSW <i>Heritage Act 1977</i> and best practice as outlined in <i>The Burra Charter 2013</i> , during site inductions.	Prior to construction.
H5	Consultation with the registered Aboriginal parties would continue.	Prior to and during construction.
<b>Socio-Economic</b>		
SE1	MDC would notify surrounding businesses and residents one (1) week before commencement of construction activities. Notices should include: <ul style="list-style-type: none"> <li>▪ Details of the proposal, including contact details of management team</li> <li>▪ Hours and expected period of construction</li> <li>▪ Details regarding process should businesses or residents have concerns, questions or complaints</li> </ul>	Prior to construction.
SE2	MDC would set up a feedback process to manage and respond to stakeholder concerns, questions, or complaints. MDC would ensure that this process is clear and accessible to stakeholders such as surrounding businesses and residents.	Prior to and during construction.
SE3	MDC would prioritise engaging with local businesses, where practicable, e.g. site induction for visiting workers to include profile of surrounding food and beverage retailer.	During construction.
<b>Waste Management</b>		
WM1	Effective management of construction materials and construction and demolition waste, including options for reuse and recycling where applicable and practicable, would be conducted. Only wastes that cannot be cost effectively reused or recycled would be sent to landfill or appropriate disposal facilities.	During construction.
WM2	Waste materials produced from site preparation and construction activities would be separated at the source and stored separately on-site.	During construction.
WM3	The Site Manager or equivalent role would: <ul style="list-style-type: none"> <li>▪ Arrange for suitable waste collection contractors to remove any construction waste from site</li> </ul>	During construction.

PLANNED MANAGEMENT AND MITIGATION MEASURES FOR SSD-24299707		
ID	Management / Mitigation Measure	Timing
	<ul style="list-style-type: none"> <li>Ensure waste bins are not filled beyond recommended filling levels</li> <li>Ensure that all bins and loads of waste materials leaving site are covered</li> <li>Maintain waste disposal documentation detailing, at a minimum:               <ul style="list-style-type: none"> <li>Descriptions and estimated amounts of all waste materials removed from site</li> <li>Details of the waste and recycling collection contractors and facilities receiving the waste and recyclables</li> <li>Records of waste and recycling collection vehicle movements, for example, date and time of loads removed, licence plate of collection vehicles, tip dockets from receiving facility, and</li> <li>Waste classification documentation for materials disposed to off-site recycling or landfill facilities.</li> </ul> </li> <li>Ensure lawful waste disposal records are readily accessible for inspection by regulatory authorities such as Council, SafeWork NSW or NSW EPA, and</li> <li>Remove waste during hours approved by Council.</li> </ul>	
<b>WM4</b>	<p>Site inductions, as required under <b>A7</b> would ensure the following training is covered:</p> <ul style="list-style-type: none"> <li>Legal obligations and targets</li> <li>Emergency response procedures on-site</li> <li>Waste priorities and opportunities for reduction, reuse, and recycling</li> <li>Waste storage locations and separation of waste</li> <li>Procedures for suspected contaminated and hazardous wastes</li> <li>Waste related signage</li> <li>The implications of poor waste management practices, and</li> <li>Responsibilities and reporting, including identification of personnel responsible for waste management and individual responsibilities.</li> </ul>	Prior to construction.
<b>WM5</b>	<p>The following monitoring practices would be undertaken to improve site preparation and construction waste management and to obtain accurate waste generation figures:</p> <ul style="list-style-type: none"> <li>Conduct waste audits of current projects where feasible.</li> <li>Note waste generated and disposal methods.</li> <li>Look at past waste disposal receipts.</li> <li>Record this information to track waste avoidance, reuse, and recycling performance and to help in waste estimations for future waste management plans.</li> </ul>	During construction.

PLANNED MANAGEMENT AND MITIGATION MEASURES FOR SSD-24299707		
ID	Management / Mitigation Measure	Timing
WM6	Waste audits would be undertaken approximately one (1) month into the operational phase of the project to quantify actual waste generation rates.	During operation.
WM7	Waste avoidance, reuse and recycling measures would be implemented throughout the life of the project, where possible.	During operation.
WM8	Monitoring would be undertaken by MDC to ensure waste and recycling management arrangements and provisions for the project are functional, practical and are maintained to the standard outlined in this plan, at a minimum.	During operation.
WM9	Visual assessments of bins and bin storage areas would be conducted by the Building Manager, at minimum: <ul style="list-style-type: none"> <li>Weekly, in the first two months of operation to ensure the waste management system is sufficient for the operation, and</li> <li>Every six months, to ensure waste is being managed to the standards outlined in this document.</li> </ul>	During operation.
WM10	Audits would be conducted on a half-yearly basis to ensure waste management provisions are maintained. Quantities of waste and recycling associated with disposal of waste and recycling, including dockets, receipts and other physical records would be recorded by the Building Manager. This would allow reviews of the waste management arrangements and provisions at the site over time. Records of waste disposal would also be available to regulatory authorities such as the NSW Environmental Protection Authority and SafeWork NSW, upon request.	During operation.
<b>Tree Protection</b>		
TP1	Trees to be retained on site must be protected in accordance with AS4970-2009.	During construction.

**APPENDIX 3    NOISE RECEIVER LOCATIONS**



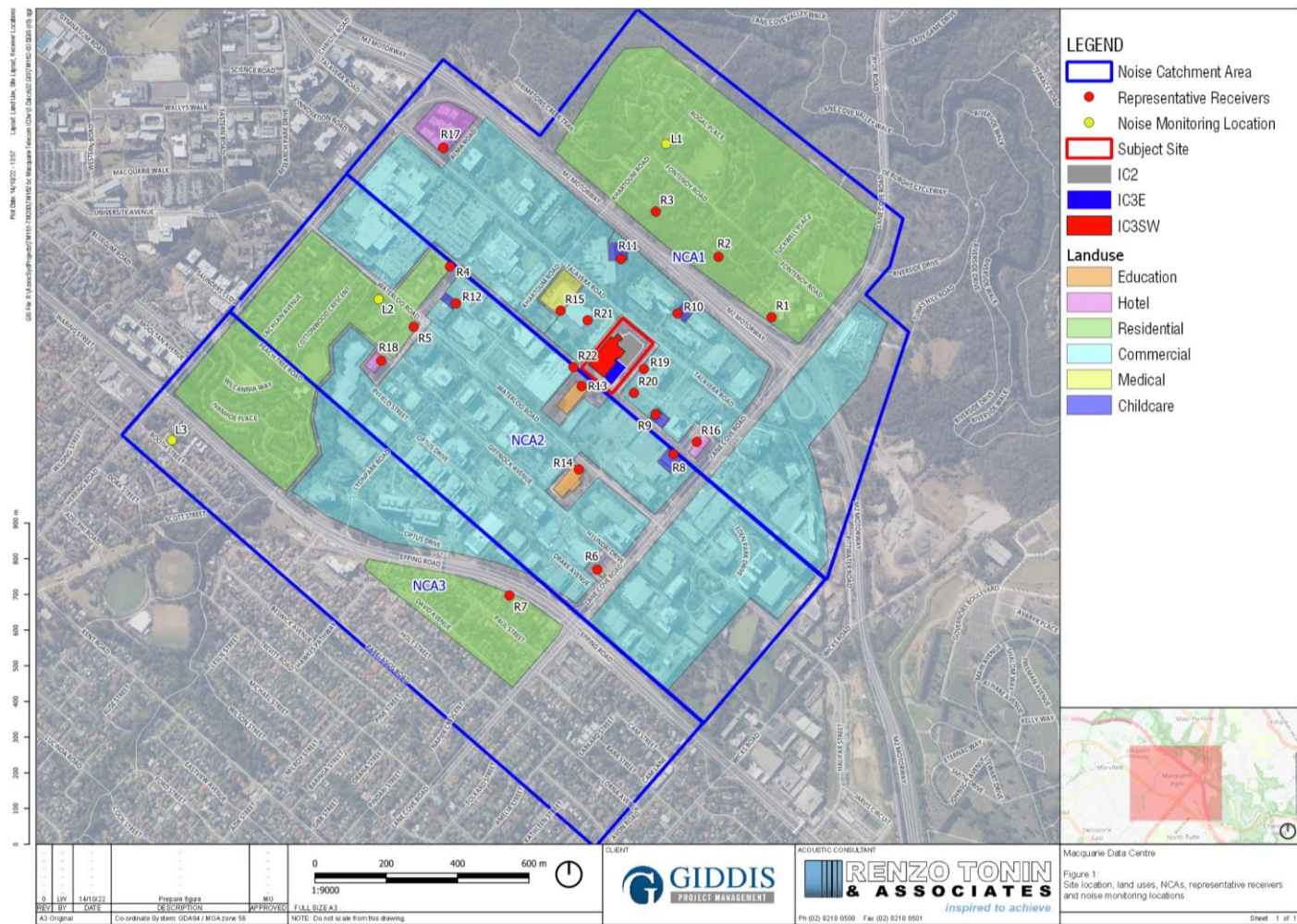


Figure 2: Noise catchment areas (NCAs)

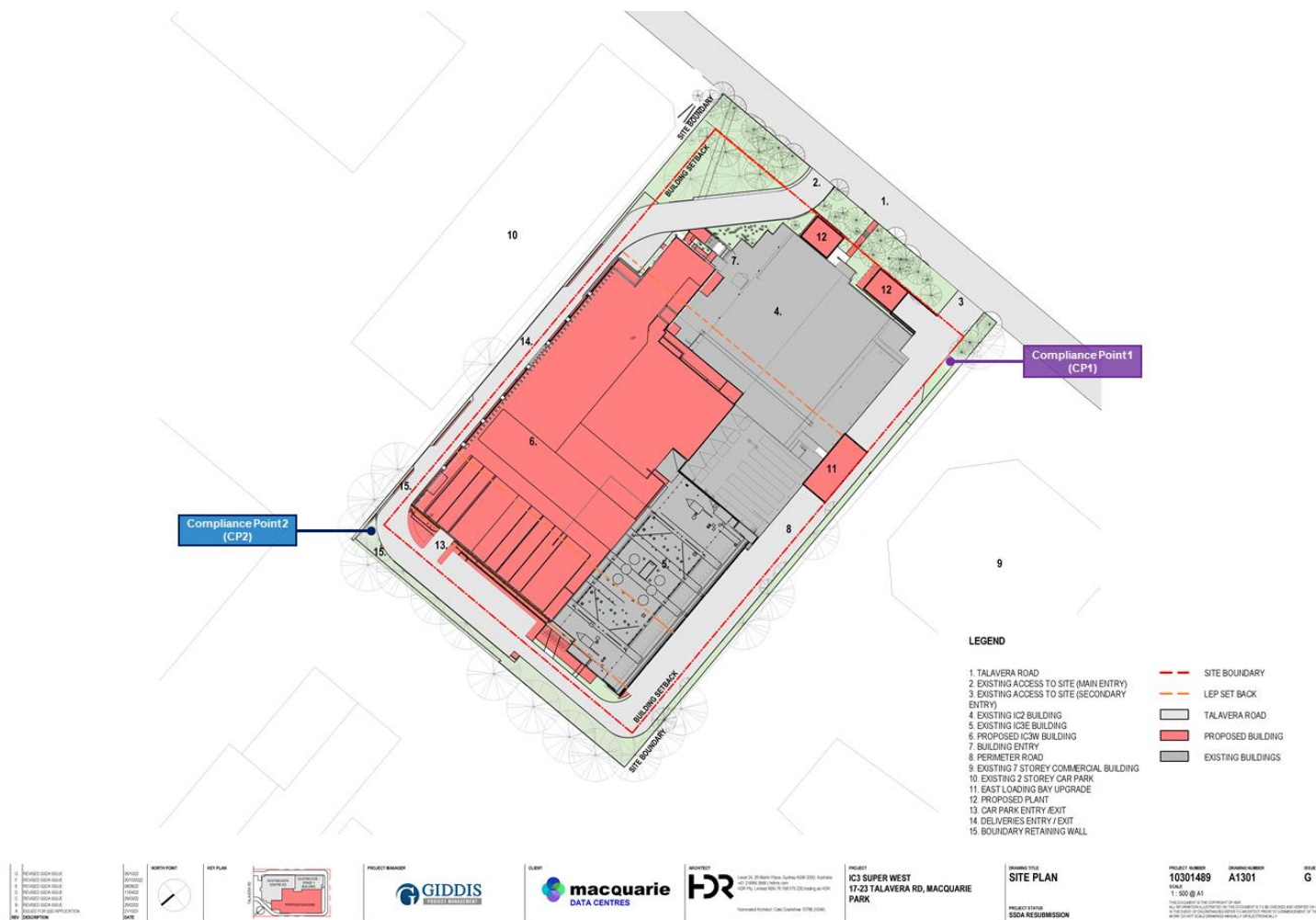


Figure 3: Noise compliance points (CP1 and CP2)

## **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 C9 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.