

# Development Consent

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

As delegate of the Minister for Planning 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  
**Director**  
**Industry Assessments**

Sydney

16 December 2022

File: EF21/18706

### SCHEDULE 1

<b>Application Number:</b>	SSD-33781208
<b>Applicant:</b>	Lehr Consultants International (Australia) Pty Ltd
<b>Consent Authority:</b>	Minister for Planning
<b>Site:</b>	57 Station Road, Seven Hills Lot B DP 404669
<b>Development:</b>	Construction and operation of an expansion to an existing data centre, including associated office space, supporting infrastructure and services, car parking and landscaping

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## DEFINITIONS

<b>Applicant</b>	Lehr Consultants International (Australia) Pty Ltd, or any person carrying out any development to which this consent applies
<b>BCA</b>	Building Code of Australia
<b>Carrier</b>	Operator of a telecommunication network and/ or associated infrastructure, as defined in section 7 of the <i>Telecommunications Act 1997</i> (Cth)
<b>CEMP</b>	Construction Environmental Management Plan
<b>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 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>	Blacktown 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 the RTS, as modified by the conditions of this consent
<b>Development layout</b>	The plans at Appendix 1 of this consent
<b>Earthworks</b>	Bulk earthworks, site levelling, import and compaction of fill material, excavation for installation of drainage and services, to prepare the site for construction
<b>EIS</b>	The Environmental Impact Statement titled <i>Proposed data centre development at 57 Station Road, Seven Hills</i> , prepared by Patch Planners Pty Ltd and dated 15 June 2022, submitted with the application for consent for the development
<b>Emergency operations</b>	The use of the data centre (for the collection, storage, processing and/or distribution of electronic data), associated office and site infrastructure during a power outage event
<b>ENM</b>	Excavated Natural Material
<b>Environment</b>	As defined in section 1.4 of the EP&A Act
<b>EP&amp;A Act</b>	<i>Environmental Planning and Assessment Act 1979</i>
<b>EP&amp;A Regulation</b>	Environmental Planning and Assessment Regulation 2021
<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>FRNSW</b>	Fire and Rescue NSW
<b>FSS</b>	Fire Safety Study
<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 <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>	NSW Minister for Planning (or delegate)
<b>Mitigation</b>	Activities associated with reducing the impacts of the development prior to or during those impacts occurring
<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 and/or the ancillary office space, as described in the EIS and RTS 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 electricity supply, 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>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: <ul style="list-style-type: none"> <li>• the document titled <i>Response to submissions report – Proposed data centre at 57 Station Road, Seven Hills (SSD-33781208)</i>, prepared by Patch Planners Pty Ltd and dated 19 September 2022</li> <li>• the document titled <i>Sydney datacentre SYD08 – SSDA acoustic assessment report</i>, prepared by Pulse White Noise Acoustics Pty Ltd and dated 13 October 2022 (Rev 10)</li> <li>• the letter titled <i>SSD-33781208 – Station Road Data Centre Expansion</i>, prepared by Patch Planners Pty Ltd and dated 22 November 2022</li> </ul>
<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>	As defined in the Dictionary to the POEO Act
<b>Year</b>	A period of 12 consecutive months

## SCHEDULE 2

### PART A ADMINISTRATIVE CONDITIONS

#### OBLIGATION TO MINIMISE HARM TO THE ENVIRONMENT

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

#### TERMS OF CONSENT

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

#### LIMITS OF CONSENT

##### Lapsing

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

##### Back-up Generator System

- A6. The Applicant must ensure:
- (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 purposes 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 to by the Planning Secretary:
- (a) construction;
  - (b) operation; and
  - (c) cessation of operations.
- A9. If the construction or operation of the development is to be staged, the Planning Secretary must be notified in writing, at least one month before the commencement of each stage (or 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.

## **COMPLIANCE**

- A14. 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**

- A15. 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.
- A16. Unless the Applicant and the applicable authority agree otherwise, the Applicant must:
- (a) repair, or pay the full costs associated with repairing, any public infrastructure that is damaged by carrying out the development;
  - (b) relocate, or pay the full costs associated with relocating, any public infrastructure that needs to be relocated as a result of the development; and
  - (c) obtain any relevant approval(s) from the relevant service provider(s), prior to undertaking construction of the corresponding utility works.

### **Sydney Water**

- A17. Prior to the commencement of operation of the development, the Applicant must obtain a Compliance Certificate for water and sewerage infrastructure servicing of the development under section 73 of the *Sydney Water Act 1994*.

### **Fibre-ready Facilities**

- A18. Within six months of the commencement of construction of the main 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, that arrangements have been made for:
- (a) the installation of fibre-ready facilities to the development to enable fibre to be readily connected to any premises that is being or may be constructed at the site; and
  - (b) the provision of fixed-line telecommunications infrastructure in the fibre-ready facilities to the development demonstrated through an agreement with a carrier.

A19. Prior to the commencement of operation, the Applicant must demonstrate that the carrier has confirmed in writing it is satisfied that the fibre-ready facilities are fit-for-purpose.

#### **STRUCTURES, EXTERNAL WALLS AND CLADDING**

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

**Note:**

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

A21. Prior to the issue of:

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

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

A22. 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 PLANS**

A23. 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 stormwater drainage system, including the stormwater quality improvement device(s) and any associated pump(s) (see condition B36); and
- (b) finished ground levels.

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

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

A24. 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**

A25. 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.

A26. However, consistent with the conditions of this consent and without altering any limits or criteria in this consent, the Planning Secretary may, when issuing directions under this consent in respect of ongoing monitoring and management obligations, require compliance with an updated or revised version of such a guideline, protocol, Standard or policy, or a replacement of them.

#### **ADVISORY NOTES**

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

## PART B SPECIFIC ENVIRONMENTAL CONDITIONS

### NOISE

#### Hours of Work

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

**Table 1** Hours of Work

Activity	Day	Time
Construction	Monday – Friday	7 am to 6 pm
	Saturday	8 am to 1 pm
Operation (excluding back-up generator testing)	Monday – Sunday	24 hours
Back-up generator testing	Monday – Friday	1 pm to 4 pm

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 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 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 *Interim Construction Noise Guideline* (DECC, 2009) (as may be updated or replaced from time to time);
- (c) describe the measures to be implemented to manage high noise generating works such as piling;
- (d) describe the community consultation that would be undertaken during construction; and
- (e) 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 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 surrounding sensitive receivers.

**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)	Night L <sub>AMax</sub>
All residential receivers	46	43	36	52
McCoy Park	53	53	53	N/A

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;
- (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 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

- (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.
- B14. Unless otherwise agreed to by the Planning Secretary, the Applicant must ensure the annual 65-minute back-up generator tests (as described in the RTS) are only undertaken in the months of January, February or December each year.

### **Nitrogen Dioxide Monitoring Procedure**

- B15. 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) describe the management actions which would be taken to address any exceedances of the impact assessment criteria identified in condition B15(b).
- B16. The Applicant must:
- (a) not commence operation until the NDMP (see condition B15) 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.

### **HAZARDS AND RISK**

- B17. 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* (IEC, 2022); 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**

- B18. 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* (IEC, 2022); 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 the inconsistency.

B19. 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 B18) 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).*

### Emergency Plan

B20. 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).

B21. The Applicant must:

- (a) not commence operation of the development until the Emergency Plan (see condition B20) 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 a copy of the ESIP on-site in a prominent position adjacent to the site entry points at all times.

### Further Requirements

B22. 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 B18 to B21 inclusive, within such time as the Planning Secretary may agree.

B23. 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.

B24. 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).

B25. In the event of an inconsistency between the requirements of conditions B24(a) and B24(b), the most stringent requirement must prevail to the extent of the inconsistency.

### TRAFFIC AND ACCESS

#### Construction Traffic Management Plan

B26. Prior to the commencement of construction, the Applicant must prepare a Construction Traffic Management Plan (CTMP) for the development to the satisfaction of the Planning Secretary. 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;
- (d) include details of:
  - (i) heavy vehicle routes, parking and access arrangements;

- (ii) the strategies which would be implemented to minimise the number of construction workers who drive to the site; and
- (iii) potential overflow construction worker parking areas in the vicinity of 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 residents and the community (including local schools) of any potential disruptions to routes.

B27. The Applicant must:

- (a) not commence construction until the CTMP (see condition B26) is approved by the Planning Secretary; and
- (b) implement the most recent version of the CTMP approved by the Planning Secretary for the duration of construction.

### **Parking Requirements**

B28. 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.

B29. Prior to the commencement of operation, a minimum of four (4) 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**

B30. 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.

### **Green Travel Plan**

B31. Prior to the commencement of operation, the Applicant must prepare a Green 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) be prepared generally in accordance with the draft Green Travel Plan included in the EIS;
- (c) outline facilities and measures to promote public transport usage, such as car share schemes and employee incentives; and
- (d) describe pedestrian and bicycle linkages and end of trip facilities available on-site.

B32. The Applicant must:

- (a) not commence operation until the Green Travel Plan (see condition B31) has been submitted to the Planning Secretary; and
- (b) implement the most recent version of the Green Travel Plan submitted to the Planning Secretary for the duration of the development.

## **SOILS AND WATER QUALITY**

### **Imported Soil**

- B33. 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**

- B34. 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**

- B35. 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.

### **Stormwater Management System**

- B36. 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 generally in accordance with the conceptual design in the EIS;
  - (c) be in accordance with applicable Australian Standards; and
  - (d) 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).
- B37. 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 B36) and ensure the system is operational.

## **CONTAMINATION**

### **Unexpected Contamination Finds Procedure**

- B38. 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**

- B39. 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.
- B40. 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**

- B41. 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.
- B42. 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

- B43. 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.
- B44. 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

- B45. All trees to be retained at the site must be protected in accordance with the latest version of *AS 4970-2009 Protection of trees on development sites* (Standards Australia, 2009).

### Vegetation Management Plan

- B46. Prior to the commencement of operation, the Applicant must prepare a Vegetation Management Plan (VMP) to manage the revegetation and landscaping works on-site, to the satisfaction of the Planning Secretary. The VMP must:
- (a) be prepared by a suitably qualified and experienced person(s);
  - (b) be prepared in accordance with the *Vegetation management plan guideline* (Council, 2019);
  - (c) detail the species to be planted on-site, incorporating locally native species (including associated planting densities); and
  - (d) describe the ongoing monitoring and maintenance measures which would be implemented across the revegetated and landscaped areas.
- B47. The Applicant must:
- (a) not commence operation until the VMP (see condition B46) is approved by the Planning Secretary;
  - (b) prior to the commencement of operation, implement the most recent version of the VMP approved by the Planning Secretary; and
  - (c) maintain the landscaping and vegetation on the site in accordance with the approved VMP for the duration of the development.

### Pests, Vermin and Priority Weed Management

- B48. 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

### Outdoor Lighting

- B49. 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

- B50. All permanent fencing approved under this consent must be erected in accordance with the development plans included in the RTS.

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

## WASTE MANAGEMENT

- B51. 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).

- B52. All waste materials removed from the site must only be directed to a waste management facility or premises lawfully permitted to accept the materials.
- B53. Waste generated outside the site must not be received at the site for storage, treatment, processing, reprocessing, or disposal.
- B54. 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) details of:
    - (i) the relevant statutory requirements (including any relevant approval, licence or lease conditions);
    - (ii) any relevant limits or performance measures and criteria; and
    - (iii) the specific performance indicators that are proposed to be used to judge the performance of, or guide the implementation of, the development or any management measures;
  - (b) a description of the measures to be implemented to comply with the relevant statutory requirements, limits, or performance measures and criteria;
  - (c) a program to monitor and report on the:
    - (i) impacts and environmental performance of the development; and
    - (ii) effectiveness of the management measures set out pursuant to condition C1(b) above;
  - (d) a contingency plan to manage any unpredicted impacts and their consequences and to ensure that ongoing impacts reduce to levels below relevant impact assessment criteria as quickly as possible;
  - (e) a program to investigate and implement ways to improve the environmental performance of the development over time;
  - (f) a protocol for managing and reporting any:
    - (i) incident and any non-compliance (specifically including any exceedance of the impact assessment criteria and performance criteria);
    - (ii) complaint;
    - (iii) failure to comply with statutory requirements; and
  - (g) a protocol for periodic review of the plan.

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

#### CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN

- C2. The Applicant must prepare a Construction Environmental Management Plan (CEMP) 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 B26); and
    - (iii) Unexpected Contamination Finds Procedure (see condition B38).
- 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.

C8. 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 C7, 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**

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-33781208) 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 3 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) an assessment of any air quality impacts (see condition B15) resulting from the operation of the back-up generators; and  
(c) an assessment and consideration of any additional measures which could be implemented to reduce future air quality impacts.

**Note:** *Additional measures 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-33781208);  
(b) set out the condition of consent that the development is non-compliant with and the way in which it does not comply;

- (c) 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 (see condition C9) 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.

#### **Monitoring and Environmental Audits**

C15. 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**

- C16. At least 48 hours before the commencement of construction of the development and for the life of the development (or such other time as agreed by the Planning Secretary), 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) 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 condition 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**

Proposed Data Centre  
Development subject to  
Blacktown City Council  
DA No.DA21/01058

Proposed Data Centre Development subject to SSD Application

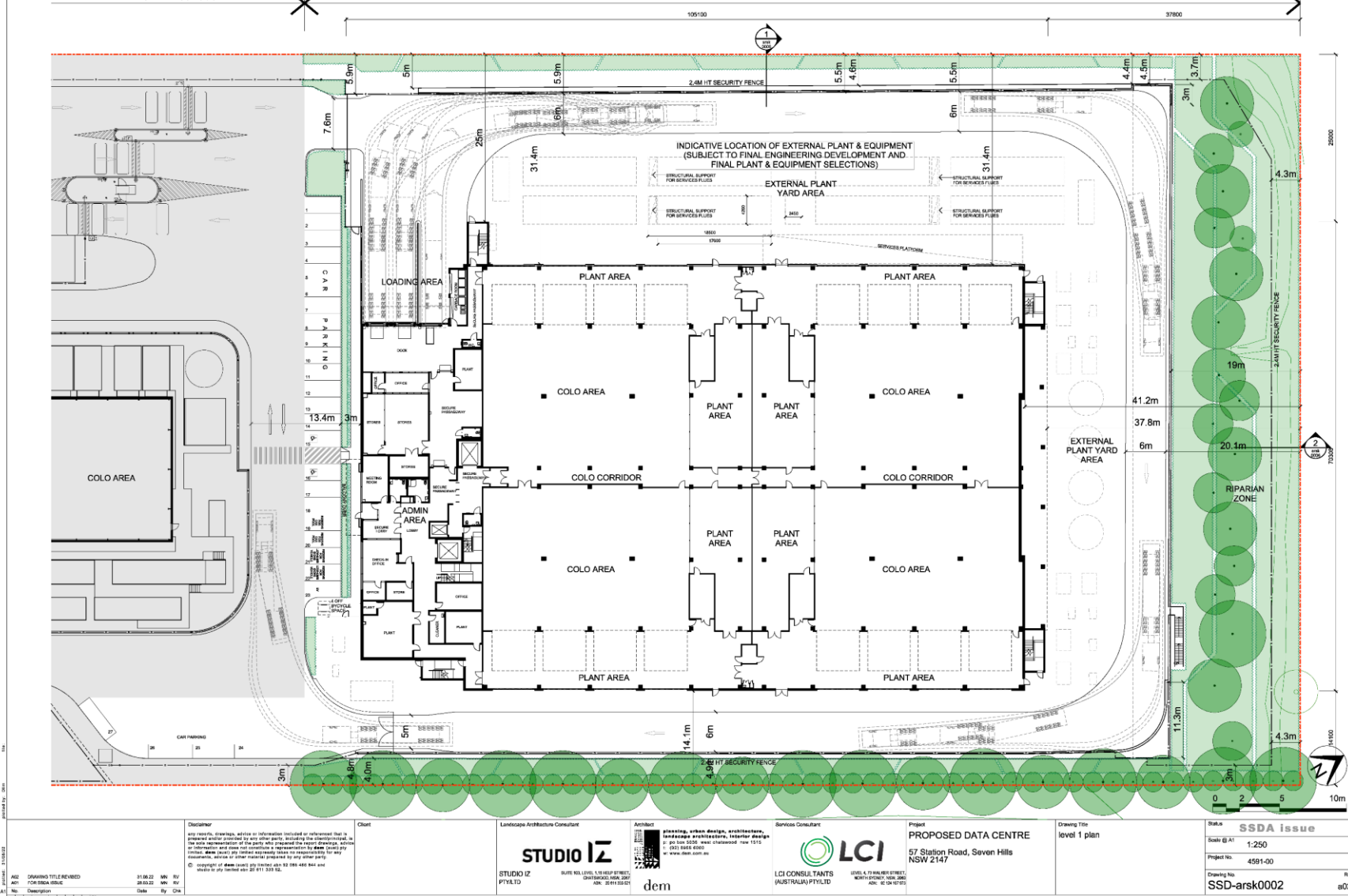


Figure 1: Site plan (Level 1)

PROJECT NO.	DRAWING NO.	REV	DATE	TITLE
<b>Architectural drawings prepared by DEM (Aust) Pty Ltd</b>				
4591-00	SSD-arsk0001	A02	31.08.22	Site plan
4591-00	SSD-arsk0002	A02	31.08.22	Level 1 plan
4591-00	SSD-arsk0003	A02	31.08.22	Level 2 plan
4591-00	SSD-arsk0004	A02	31.08.22	Roof lobby plan
4591-00	SSD-arsk0005	A02	31.08.22	Roof plan
4591-00	SSD-arsk0006	A02	31.08.22	Sections
4591-00	SSD-arsk0007	A02	31.08.22	Elevations – Sheet 1
4591-00	SSD-arsk0008	A02	31.08.22	Elevations – Sheet 2
<b>Civil drawings prepared by ACOR Consultants Pty Ltd</b>				
NSW202013	C101.02	B	22.03.22	Legends sheet
NSW202013	C101.03	B	22.03.22	Notes
NSW202013	C101.05	B	22.03.22	Details – Sheet 1
NSW202013	C101.06	B	22.03.22	Details – Sheet 2
NSW202013	C101.07	B	22.03.22	Details – Sheet 3
NSW202013	C101.08	B	22.03.22	Details – Sheet 4
NSW202013	C101.10	B	22.03.22	General arrangement and phasing plan
NSW202013	C103.01	B	22.03.22	Civil works plan
NSW202013	C103.10	C	22.03.22	Stormwater catchment plan
NSW202013	C103.11	B	22.03.22	Water balance catchment plan
NSW202013	C105.01	B	22.03.22	Soil and water management plan
NSW202013	C107.01	B	22.03.22	Vehicle turn paths – Sheet 1

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

Proposed Mitigation Measures								
Item / Impact	Supporting Documentation	Recommended Mitigations						
Various Construction and Operational Impacts	Plan of Management (Proposed)	<ul style="list-style-type: none"> <li>Plans of Management (PoM) will be prepared which describe the proposed mitigation measures at the construction and operational phases of the project, and which formalise the recommendations from technical consultants which are outlined further in this table and also describes safety measures intended for the development site.</li> </ul> <p>Two PoMs are proposed:</p> <ul style="list-style-type: none"> <li>A Construction PoM, which is able to be prepared prior to the issue of a Construction Certificate; and</li> <li>An Operational PoM, which is able to be prepared prior to the issue of an Occupation Certificate.</li> </ul>						
Visual Impact	Visual Impact Assessment	<ul style="list-style-type: none"> <li>Ensure retention of existing vegetation buffer and most importantly, canopy trees on and around the site.</li> <li>Retain and protect existing vegetation where possible during construction.</li> <li>Consideration of construction materials to minimise visual contrast for surrounding residents.</li> </ul>						
Noise	Acoustic Assessment Report	<p>Given the predicted noise levels at the construction phase, a number of noise control measures and noise management practices have been recommended for the project. These are summarised below and further outlined in PWNA's full report.</p> <table border="1"> <thead> <tr> <th>Procedure</th> <th>Description</th> </tr> </thead> <tbody> <tr> <td>General Management Measures</td> <td>Introduce best-practice general mitigation measures in the workplace which are aimed at reducing the acoustic impact onto the nearest affected receivers.</td> </tr> <tr> <td>Project Notification</td> <td>Issue project updates to stakeholders, discussing overviews of current and upcoming works. Advanced warning of potential disruptions can be included.</td> </tr> </tbody> </table>	Procedure	Description	General Management Measures	Introduce best-practice general mitigation measures in the workplace which are aimed at reducing the acoustic impact onto the nearest affected receivers.	Project Notification	Issue project updates to stakeholders, discussing overviews of current and upcoming works. Advanced warning of potential disruptions can be included.
Procedure	Description							
General Management Measures	Introduce best-practice general mitigation measures in the workplace which are aimed at reducing the acoustic impact onto the nearest affected receivers.							
Project Notification	Issue project updates to stakeholders, discussing overviews of current and upcoming works. Advanced warning of potential disruptions can be included.							

Proposed Mitigation Measures												
Item / Impact	Supporting Documentation	Recommended Mitigations										
		<table border="1"> <tr> <td>Verification Monitoring</td> <td>Monitoring to comprise attended or unattended acoustic surveys to confirm measured levels are consistent with predicted levels, and verify that the mitigation procedures are appropriate for affected receivers. If measured levels are higher than those predicted, mitigations will need to be reviewed.</td> </tr> <tr> <td>Complaints Management System</td> <td>Implement a management system which includes procedures for receiving and addressing complaints from affected stakeholders.</td> </tr> <tr> <td>Specific Notification</td> <td>Individual letters or phone calls to notify stakeholders that noise levels are likely to exceed noise objectives.</td> </tr> <tr> <td>Respite Offer</td> <td>Offer provided to stakeholders subjected to ongoing impact.</td> </tr> <tr> <td>Alternative Construction Methodology</td> <td>Contractor to consider alternative construction options that achieve compliance with relevant criteria. This should be determined by considering the assessment of on-site measurements.</td> </tr> </table> <p>PWNA's recommended mitigations also include site-specific measures to implement throughout works and operation which include maximising the offset distance between plant items and nearby sensitive receivers, preventing noisy plant working simultaneously and adjacent to sensitive receivers, minimising consecutive works in the same site area, orienting equipment away from noise sensitive areas, and carrying out loading and unloading away from noise sensitive areas. Site-specific noise mitigation measures recommended by PWNA, and outlined in Section 7.2 of the Acoustic Assessment Report, include:</p> <ul style="list-style-type: none"> <li>• Noise monitoring at the start of new phases of works;</li> <li>• Investigating the use of alternate equipment or processes where Noise Management Levels are likely to be exceeded;</li> <li>• Use of acoustic enclosures/screening;</li> <li>• Use of electric site cranes;</li> <li>• Ensuring piling is undertaken during the approved hours of works and the proposed period</li> </ul>	Verification Monitoring	Monitoring to comprise attended or unattended acoustic surveys to confirm measured levels are consistent with predicted levels, and verify that the mitigation procedures are appropriate for affected receivers. If measured levels are higher than those predicted, mitigations will need to be reviewed.	Complaints Management System	Implement a management system which includes procedures for receiving and addressing complaints from affected stakeholders.	Specific Notification	Individual letters or phone calls to notify stakeholders that noise levels are likely to exceed noise objectives.	Respite Offer	Offer provided to stakeholders subjected to ongoing impact.	Alternative Construction Methodology	Contractor to consider alternative construction options that achieve compliance with relevant criteria. This should be determined by considering the assessment of on-site measurements.
Verification Monitoring	Monitoring to comprise attended or unattended acoustic surveys to confirm measured levels are consistent with predicted levels, and verify that the mitigation procedures are appropriate for affected receivers. If measured levels are higher than those predicted, mitigations will need to be reviewed.											
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Proposed Mitigation Measures		
Item / Impact	Supporting Documentation	Recommended Mitigations
		<p>of piling to be included in community notifications to surrounding receivers.</p> <p>Noise modelling, indicating that compliance with the relevant noise criteria set out in the BDCP 2015 and the NSW Noise Policy for Industry can be achieved, is also based off several modelling assumptions being implemented outlined below.</p> <ul style="list-style-type: none"> <li>• The generators are to be tested one at a time during the day scenario only.</li> <li>• The generators are to be packaged units which feature attenuators on the air intakes and mufflers or attenuators on the exhaust ducts. The enclosed generators are to comply with a sound pressure level of 85 dB(A) at 1m. The recommendations are to be assessed at the detail design stage.</li> <li>• The sound power levels of the air handling units are to be at or below the levels listed in the EIS for the day, evening and night periods. The suitability of the selected air handling units is to be assessed at the detailed design stage.</li> <li>• The air handling units are to incorporate intake acoustic louvres. Details of the required insertion losses provided by the louvres are included in PWNA's report.</li> <li>• Once the final concept, mechanical equipment selection and equipment layout are finalised in later stages of the project, recommended noise control measures can be finalised. That is, the above conceptual noise measures are subject to final equipment selections and layouts.</li> </ul>
Air Quality / Emissions	Air Quality Assessment	<p><b>Construction Environmental Management Plan:</b></p> <p>A Construction Environmental Management Plan (CEMP) has been recommended to be prepared which should include an Air Quality Control Procedure setting out procedures for managing and monitoring air emissions during construction. The below is a summary of the control measures recommended to be included in the CEMP in relation to air quality:</p> <ul style="list-style-type: none"> <li>• 24hr air monitoring is to be implemented on site using on-site monitoring units.</li> <li>• Monitor local weather conditions and cease dust generating operations when conditions result in visible dust emissions, and implement mitigation measures or until weather conditions improve;</li> <li>• Erection of wind breaks such as fences or vegetative buffers at the site boundary;</li> </ul>

Proposed Mitigation Measures		
Item / Impact	Supporting Documentation	Recommended Mitigations
		<ul style="list-style-type: none"> <li>• Locate stockpiled materials away from drainage paths, easement, kerb, or road surface, and near existing wind breaks such as trees and fences;</li> <li>• Dust suppression/wind breaks on stockpiles;</li> <li>• Limit stockpile height to 5 m (maximum) and size;</li> <li>• Vehicles leaving the site to be cleaned of dirt and other materials to avoid tracking onto public roads;</li> <li>• Enforce appropriate speed limits for vehicle on site. Recommended speed limit is &lt;15 km/hr;</li> <li>• Cover all loads entering and leaving the site; and</li> <li>• Inspect the site daily using a Site Dust Control Checklist to aid with the implementation of air quality control measures.</li> </ul> <p>It is noted that the 3000kW generators have been assessed at a 20m stack height, and the 500kw generator has been assessed at a 6m stack height.</p> <p><b>Maintenance:</b></p> <ul style="list-style-type: none"> <li>• Maintenance is to be undertaken as per the schedule presented in Table 7-1 of the Acoustic Assessment. Operation of standby generators during testing and maintenance should be minimised as far as practicable.</li> <li>• Hourly background NO<sub>2</sub> concentration from 2017-2021 have been analysed and it has been established that high background concentrations are most common in the winter, with the highest occurring from evening through to early morning. Background concentrations are lower during the summer, and at their lowest between the hours of 13:00-16:00. Therefore, it is recommended that the annual 65-minute maintenance tests be undertaken during the summer between 13:00- 16:00 and regular 35-minute maintenance be undertaken during the daytime between 13:00-16:00.</li> </ul> <p><b>Emergency Operation:</b></p> <ul style="list-style-type: none"> <li>• It is recommended that a power outage NO<sub>2</sub> monitoring procedure be included in the site's Emergency Response Plan. This procedure is to: <ul style="list-style-type: none"> <li>○ Provide all practical measures to reduce the duration of the outage;</li> </ul> </li> </ul>

Proposed Mitigation Measures		
Item / Impact	Supporting Documentation	Recommended Mitigations
		<ul style="list-style-type: none"> <li>○ Direct a suitably qualified consultant or suitably qualified/trained onsite personnel to monitor NO<sub>2</sub> levels utilising a gas detector at nearest sensitive receptors downwind of the site in the event of all power outages;</li> <li>○ Include measures such as informing emergency services, issuing a local air quality warning and instructing affected residence/sensitive premises to undertake measures proportional to the impacts to avoid harm such as closing windows or evacuation.</li> </ul>
Aboriginal and Archaeological Heritage	Aboriginal Cultural Heritage Assessment Report	<p>Several management recommendations have been provided by Biosis, outlined below.</p> <p><b>Recommendation 1:</b> Areas identified as having low archaeological potential: No further investigations are required for areas assessed as having low archaeological potential. This recommendation is conditional upon Recommendations 5 and 6.</p> <p><b>Recommendation 2:</b> Continued consultation with the registered Aboriginal parties: A copy of the final ACHA report will be provided to registered Aboriginal parties (RAPs) for the project. In addition to this, it is recommended that the proponent continue to inform these groups about the management of Aboriginal cultural heritage within the study area throughout the life of the project. It is also recommended that RAPs be invited to monitor any future works and be consulted on the development of interpretive signage describing the area's cultural significance to Aboriginal people.</p> <p><b>Recommendation 3:</b> Heritage induction: Heritage inductions for all site workers and contractors should be undertaken in order to prevent any unintentional harm to unexpected Aboriginal objects or sites, or Aboriginal sites or objects located within proximity to the study area. The heritage induction should include the following items:</p> <ul style="list-style-type: none"> <li>• Relevant legislation.</li> <li>• Location of identified Aboriginal heritage sites, areas of archaeological potential, and areas of archaeological sensitivity.</li> <li>• Basic identification skills for Aboriginal and non-Aboriginal artefacts and human remains.</li> <li>• Procedure to follow in the event of an unexpected heritage item find during construction works.</li> <li>• Procedure to follow in the event of discovery of human remains during construction works.</li> </ul>

Proposed Mitigation Measures		
Item / Impact	Supporting Documentation	Recommended Mitigations
		<ul style="list-style-type: none"> <li>Penalties and non-compliance.</li> </ul> <p><b>Recommendation 4:</b> Development of an Aboriginal Cultural Management Plan: Based on the unexpected find recovered, it is recommended that an Aboriginal Cultural Management Plan (ACHMP) is developed as part of a Construction Management Plan (CMP) to ensure an unexpected finds procedure is present during the construction phase of this project.</p> <p>As it is an offence to disturb an Aboriginal site without a consent permit issued by Heritage NSW, should any Aboriginal objects be encountered during works associated with this project, works must cease in the vicinity and the find should not be moved until assessed by a qualified archaeologist. If the find is determined to be an Aboriginal object the archaeologist will provide further recommendations. These may include notifying Heritage NSW and Aboriginal stakeholders.</p> <p><b>Recommendation 5:</b> Discovery of unanticipated Aboriginal objects: All Aboriginal objects and Places are protected under the NSW National Parks and Wildlife Act 1974 (NPW Act). It is an offence to knowingly disturb an Aboriginal site without a consent permit issued by the Heritage NSW, Department of Premier and Cabinet (Heritage NSW). Should any Aboriginal objects be encountered during works associated with this proposal, works must cease in the vicinity and the find should not be moved until assessed by a qualified archaeologist. If the find is determined to be an Aboriginal object the archaeologist will provide further recommendations. These may include notifying the Heritage NSW and Aboriginal stakeholders.</p> <p><b>Recommendation 6:</b> Discovery of human remains: If any suspected human remains are discovered during any activity works, all activity in the vicinity must cease immediately. The remains must be left in place and protected from harm or damage. The following contingency plan describes the immediate actions that must be taken in instances where human remains or suspected human remains are discovered. Any such discovery at the study area must follow these steps:</p> <ol style="list-style-type: none"> <li>Discovery: If suspected human remains are discovered all activity in the vicinity must stop to ensure minimal damage is caused to the remains; and the remains must be left in place, and protected from harm or damage.</li> <li>Notification: Once suspected human skeletal remains have been found, the Coroner's Office and the NSW Police must be notified immediately. Following this, the find will be reported to the Aboriginal parties and NSW Environment Line.</li> </ol>

Proposed Mitigation Measures		
Item / Impact	Supporting Documentation	Recommended Mitigations
Social Impacts	Social Impact Assessment	<ul style="list-style-type: none"> <li>Frequent and clear communication with the community regarding demolition, construction, and operational activities.</li> </ul>

## APPENDIX 3 INCIDENT NOTIFICATION AND REPORTING REQUIREMENTS

### WRITTEN INCIDENT NOTIFICATION REQUIREMENTS

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