

Modification of Development Consent

Section 4.55(1A) of the *Environmental Planning and Assessment Act 1979*

As delegate for the Minister for Planning and Public Spaces, under delegation executed on 9 March 2020, I approve the modification of the development consent referred to in Schedule 1, subject to the conditions outlined in Schedule 2.



Chris Ritchie
Director
Industry Assessments

Sydney

14 April 2020

SCHEDULE 1

Development Consent

Development Consent: SSD-9741 granted by the then Executive Director, Compliance, Industry and Key Sites on 15 November 2019

For the following: Construction and 24-hour operation of a data centre with associated office, supporting infrastructure and services, car parking and landscaping

Modification 1

Modification Application: SSD-9741-Mod-1 – Diesel fuel storage and generator arrangements

Applicant: Greenbox Architecture Pty Ltd

Consent Authority: Minister for Planning and Public Spaces

Land: 1 Sirius Road, Lane Cove West (Lot 1 DP 1151370)

SCHEDULE 2

This consent is modified as follows:

In the definitions

1. Insert the following definition in alphabetical order:

Modification Assessments	The document assessing the environmental impact of a proposed modification of this consent and any other information submitted with the following modification applications made under the EP&A Act: a) SSD-9741-Mod-1, prepared by Willowtree Planning Pty Ltd and dated 26 February 2020, as amended by the Response to Submissions letters prepared by Willowtree Planning Pty Ltd and dated 17 March 2020 and 31 March 2020, respectively.
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In Part A – Administrative Conditions

2. Renumber existing conditions A2(d) and A2(e) as conditions A2(e) and A2(f), respectively.
3. Insert new Condition A2(d) as follows:

d) in accordance with Modification Assessments;
4. In Condition A4, delete all instances of the phrase “ and A2(e)” and replace with the phrase “, A2(e) and A2(f)”.
5. Delete Condition A6 and replace with the following:

A6. The Applicant must ensure:
a) testing of the back-up generators does not exceed 200 hours in a year;
b) only one back-up generator is tested at any one time; and
c) the diesel fuel storage capacity of the site does not exceed 2,000 tonnes at any one time.
6. Delete Condition A7 and the heading “Back-up Generators and Associated Diesel Fuel Storage”.
7. In Condition A21, delete “\$1,426,876” and replace with “\$1,539,252”.
8. In Condition A21, insert the phrase “and is based on a gross floor area of 34,983 m²” immediately after the phrase “Lane Cove Council Section 94 Contribution Plan”.

In Part B – Specific Environmental Conditions

9. In Condition B9, add a new row to Table 1 immediately after the row beginning with the words “Operation” as follows:

Table 1 Hours of Work

Testing of back-up generators	Monday – Friday	7:00 AM to 6:00 PM
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10. In Condition B18(a), delete the phrase “any plans submitted under Condition A7” and replace with the phrase “the plans contained in Appendix 1 of this consent”.

11. In Condition B19, insert the phrase “, Modification Assessments” immediately after the word “RTS”.
12. In Condition B20, delete the phrase “dated 23 August 2019, Ref: 18AWE02.4B” and replace with the phrase “dated 4 February 2020, Ref: 18AWE02.5:NvD/JT”.
13. Delete Condition B23 and replace with the following:

B23. The Applicant must ensure construction of the external plant platforms complies with sections 3 and 9 (BAL FZ) of AS 3959-2009: *Construction of buildings in bush fire-prone areas* (Standards Australia, 2009) or the *NASH Standard (1.7.14 updated)* - *Steel Framed Construction in Bushfire Areas* (NASH, 2014) as appropriate.

Except for windows, materials that would flame and/or combust are not permitted and there must be no exposed timber.
14. Delete Condition B32 and replace with the following:

B32. The Applicant must implement the updated Vegetation Management Plan (the updated VMP) prepared by TBE Environmental Pty Ltd (dated 22 January 2020, Ref: 18AWE02UV) for the duration of the development.
15. In Condition B33, delete the phrase “(including those required by Condition B32)”.
16. Insert new Condition B33A immediately after Condition B33 as follows:

Updated Landscape Plans

- B33A. Within three months of the date of approval of SSD-9741-Mod-1, the Applicant must update the landscape plans referenced in Appendix 1 to the satisfaction of the Planning Secretary. The updated landscape plans must align with the updated VMP (see Condition B32), and ensure all trees removed from the site are replaced at a ratio greater than 1:1.
17. Delete conditions B35 and B36 and replace with the following:

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

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

 - a) is prepared by a suitably qualified and experienced person(s);
 - b) is prepared in consultation with Council;
 - c) continues to detail:
 - (i) the measures that are to be implemented to ensure road safety and network efficiency during construction;
 - (ii) heavy vehicle routes, access and parking arrangements;
 - (iii) parking and access arrangements for construction staff vehicles;
 - (iv) the measures which would be implemented to encourage the use of alternative transport options by construction staff (including public transport and car pooling);
 - d) includes a Driver Code of Conduct to:
 - (i) minimise the impacts of earthworks and construction on the local and regional road network;
 - (ii) minimise conflicts with other road users;
 - (iii) minimise road traffic noise; and
 - (iv) ensure truck drivers use specified routes;
 - e) includes a program to monitor the effectiveness of these measures; and

- f) if necessary, details procedures for notifying residents and the community (including local schools), of any potential disruptions to routes.

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

In the appendices

- 18. Delete Appendix 1 and replace with new Appendix 1 as shown in Appendix 1 of this instrument.
 - 19. Delete Appendix 3 and replace with new Appendix 3 as shown in Appendix 2 of this instrument.
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APPENDIX 1

APPENDIX 1 DEVELOPMENT LAYOUT PLANS

JOB NO.	DRAWING NO.	ISSUE	DATE	TITLE
Architectural Drawings prepared by Greenbox Architecture				
180095	ARC_0050	09	23/01/2020	Master Plan
180095	ARC_0100	14	23/01/2020	L1-Basement Floor Plan _ RL 8.4
180095	ARC_0101	14	23/01/2020	Level 2 Floor Plan _ RL 14.4
180095	ARC_0102	14	23/01/2020	Level 3 Floor Plan _ RL 20.2
180095	ARC_0103	14	23/01/2020	Level 4 Floor Plan _ RL 26.0
180095	ARC_0104	14	23/01/2020	Level 5 Floor Plan _ RL 31.8
180095	ARC_0105	13	23/01/2020	Roof Plan
180095	ARC_0110	09	23/01/2020	Office Plans
180095	ARC_0120	08	23/01/2020	Substation Detail
180095	ARC_0300	14	23/01/2020	Elevations 1
180095	ARC_0301	14	23/01/2020	Elevations 2
180095	ARC_0901	10	23/01/2020	Master Plan – Hydrant Point
180095	ARC_0902	10	23/01/2020	Phasing Plan
Visual Impact Assessment prepared by Geoscapes				
181108	AVIA01	A	04/02/2020	Visual Impact Addendum Report
Landscape Plans prepared by Geoscapes				
181108	LDA-01	G	11/03/2020	Landscape Masterplan
181108	LDA-02	G	11/03/2020	Landscape Detailed Plan
181108	LDA-05	G	11/03/2020	Existing Tree Plan & Tree Data Table
181108	LDA-06	G	11/03/2020	Typical Landscape Details & Specifications
181108	LDA-07	G	11/03/2020	Planting Schedule
Civil Plans prepared by van der Meer Consulting				
SY182-105	CIV-0211	02	20/01/2020	Bulk Earthworks
SY182-105	CIV-0212	02	20/01/2020	Bulk Sections
SY182-105	CIV-0219	02	20/01/2020	Erosion and Sediment Control
SY182-105	CIV-0411	02	20/01/2020	Drainage Layout
SY182-105	CIV-0450	02	20/01/2020	Typical Drainage Details
SY182-105	CIV-0811	02	20/01/2020	3D Visualisation
SY182-105	CIV-0812	02	20/01/2020	Bulk Earthworks Depth Colour Map
Bushfire Protection Plan prepared by Travers Bushfire & Ecology				
18AWE02	BF001	01	04/02/2020	Schedule 1 – Bushfire Protection Measures

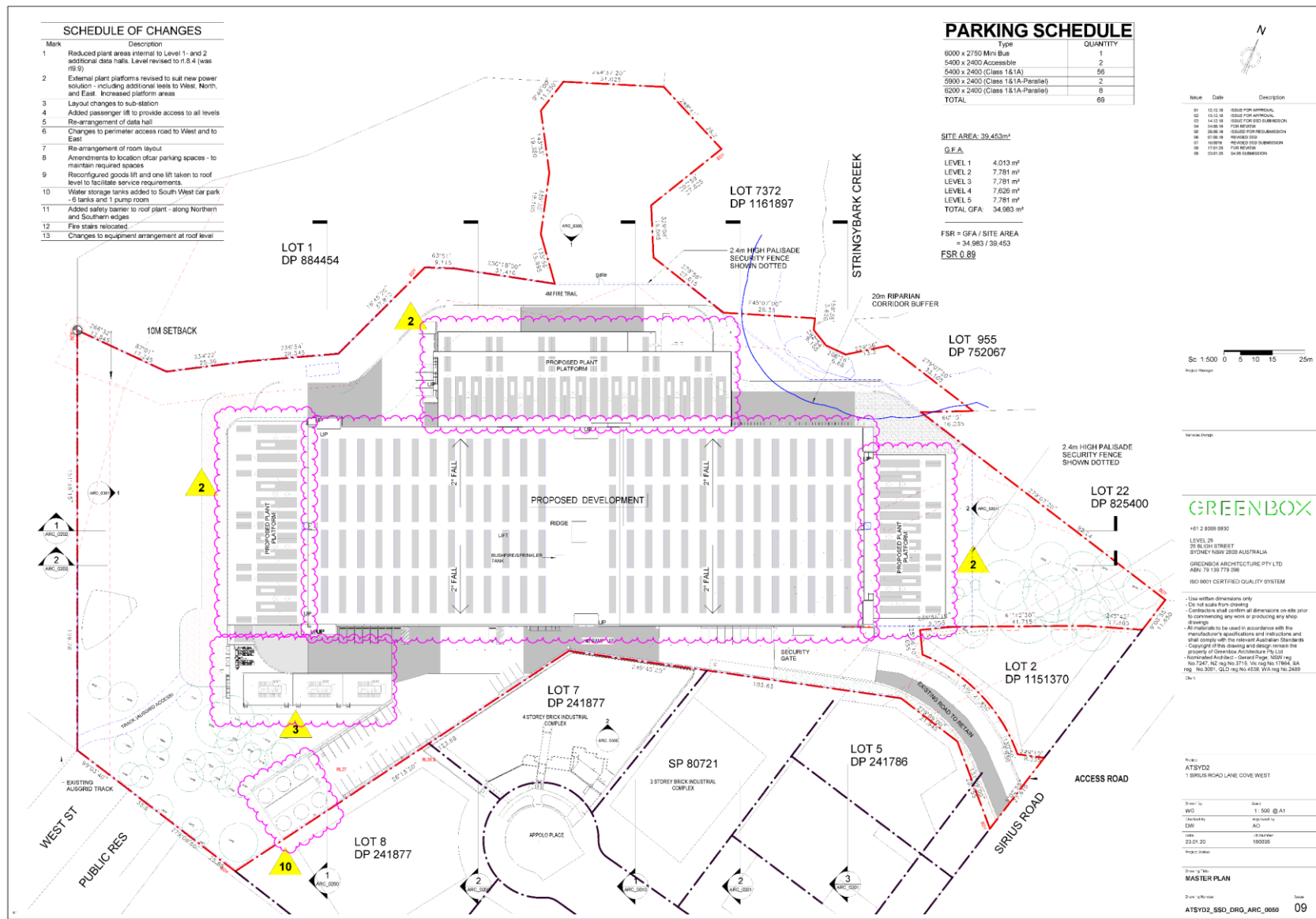


Figure 1: Site Plan

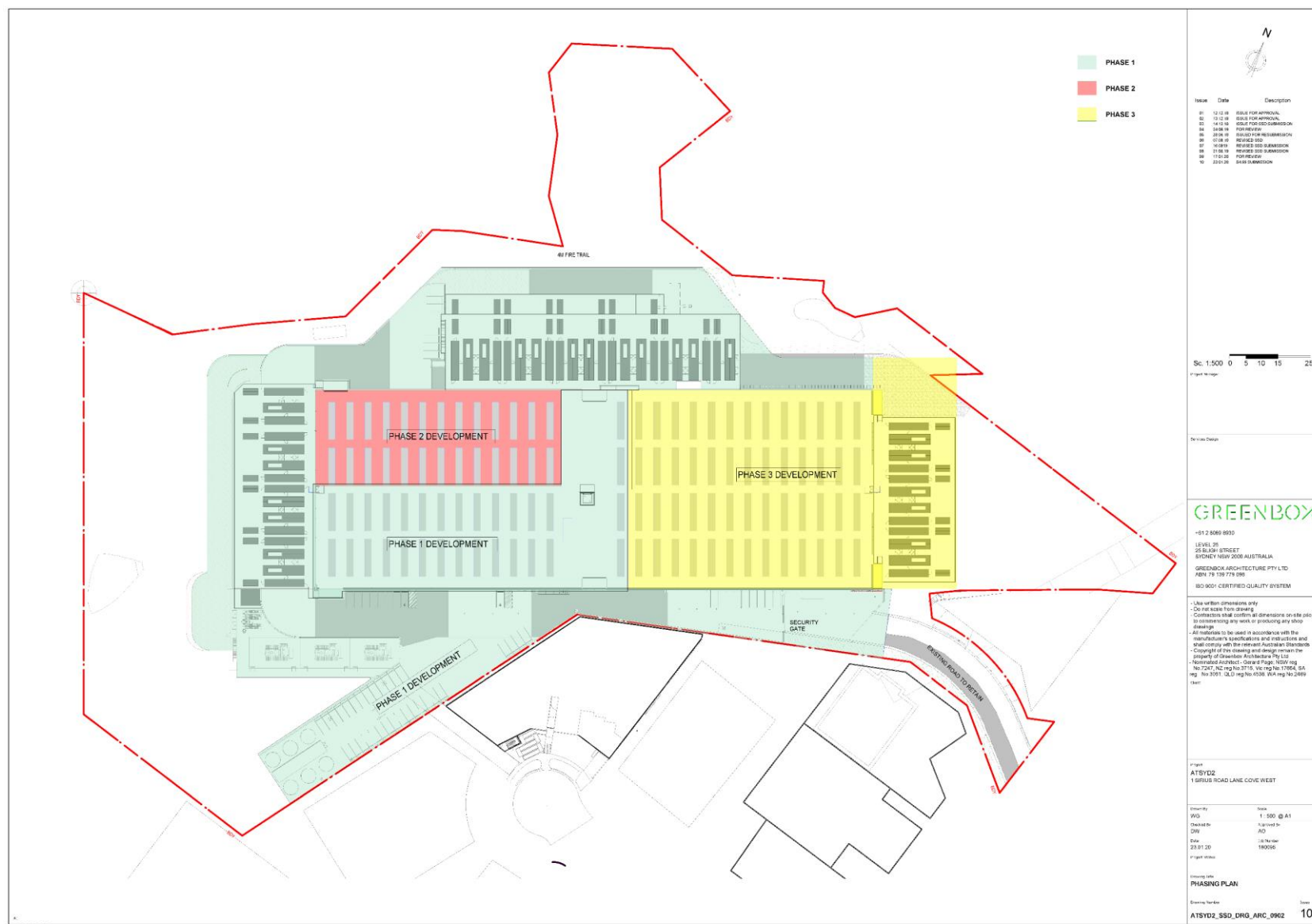


Figure 2: Staging Plan

APPENDIX 2

APPENDIX 3 APPLICANT'S MANAGEMENT AND MITIGATION MEASURES

PART G MANAGEMENT AND MITIGATION MEASURES

By:	Greenbox Architecture
In relation to:	Proposed Data Centre – State Significant Development Application
Site:	1 Sirius Road, Lane Cove West (Lot 1 DP 1151370)

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

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

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

ADMINISTRATIVE COMMITMENTS

Commitment to Minimise Harm to the Environment

- Greenbox would implement all reasonable and feasible measures to prevent and/or minimise any harm to the environment that may result from the construction or operation of the project.

Occupation Certificate

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

Terms of Approval

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

Structural Adequacy

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

Operation of Plant and Equipment

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

Construction Traffic Management Plan

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

Contractors Environmental Management Plan

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

Monitoring of State of Roadways

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

Waste Receipts

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

SPECIFIC ENVIRONMENTAL COMMITMENTS

Noise

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

- h) Regularly train workers (ie toolbox talks) to use equipment in ways to minimise noise;
- i) Operate mobile plant in a quiet, efficient manner;
- j) Switching off vehicles and plant when not in use; and,
- k) Incorporate clear signage at the Site including relevant contact numbers for community enquiries.

13. Prior to issue of an Occupation Certificate, the following recommendations provided in the Noise Impact Assessment Report should be acknowledged and adhered to accordingly, including:

Table 1: Indicative Noise Mitigation Measures		
Item	Location	Attenuation Details
Water-cooled Chillers	Enclosure	Enclosure achieving 15-20 dB noise level reduction.
Cooling Towers	Intake / discharge / equipment reselection	A collective noise level reduction of 25-30 dB is required which is likely to require a reselection of the cooling tower type along with intake/discharge attenuators.
Diesel Generators (backup power only)	Inlet / Discharge	Gensets recommended to be specified with a maximum emission of 72 dB(A) @ 1m. Discussed further below.
	Exhaust	
	Enclosure	
Building Envelope	Walls	Precast concrete ~150 mm Doors may need to be acoustically rated dependant on location.
	Roof	Recommend concrete ~150 mm.
Transformers	Enclosure	Enclosure achieving 10-15 dB noise level reduction.

Air Construction Traffic

14. During construction:

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

Dust Management

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

Source	Control Measures
General	
Visual Inspection	Carry out visual inspections of the Site during site preparatory / construction activities and employ measures where necessary to minimise any visible air pollution generated by the Project.
Regular Maintenance	Regularly inspect and perform maintenance on dust control technologies (i.e. water sprays nozzles) and measures to ensure the effectiveness of these controls.
Erosion Control Structures	Silt and other material removed frequently from around erosion control structures to ensure deposits do not become a dust source.
Vegetated Buffers	Retain existing vegetation where appropriate and implement additional vegetated buffers around the boundary of the site to provide act as a physical barrier to the transport of pollutants in the direction of sensitive receptors.

Source	Control Measures
Waste Materials	Cleared vegetation, demolition materials and other combustible waste material shall not be burnt on site. All waste materials be appropriately contained (in skips, bins) and covered during adverse weather conditions and handled in accordance with the site's Waste Management Plan.
Wind Blown Dust Sources	
Disturbed Areas	- Disturb only the minimum area necessary. - Stabilise all disturbed areas as soon as practicable to prevent or minimise windblown dust. - Rehabilitate disturbed areas as soon as practicable with a layer of inert material and vegetation (generally a minimum of 500mm). - Regularly assess weather conditions to identify adverse weather conditions that are unfavourable in terms of dust levels at receptor locations surrounding the Site (i.e. on dry days, during strong winds, and particularly north easterly winds blowing in direction of the school).
Stockpile/s	- Water sprays and/or covers would be employed for material stockpiles, particularly during adverse weather conditions, to minimise dust generation. - Stockpiles would be covered overnight. - Use of chemical dust suppressants would also be used where necessary. - Fencing, bunding or shelterbelts used to reduce ambient wind speeds (in some areas).
Transportation (Trucks)	- Truck loads covered with tarpaulin or lid prior to transport of dusty materials by road. - Minimise truck queuing and unnecessary trips through logistical planning of materials delivery and work practices. - Reduce vehicle / truck idling times. - Maintain a following distance of trucks of 20 seconds minimum to allow for dust clouds generated by the lead truck to dissipate. - Install a truck wheel wash or shaker grid to remove any loose dirt.
Activity Generated Dust Sources	
Internal Road Dust	- Roads and trafficked areas would be watered down using a water cart and/or sprinkler to minimise the generation of dust. - Haulage vehicles would be restricted to the most direct route and minimal manoeuvring areas to prevent indiscriminate driving over non-active areas. - Haul roads and hard stand areas would have designated speed limits (ie generally 20 km/hour). - Enforce speed limits on all on-site vehicles to minimise wheel-generated dust. - Stabilise access roads and work areas as soon as practicable to prevent or minimise windblown dust. - Maintain roads on a regular basis to ensure roads are clearly marked, pot holes and corrugations are eliminated, and extra material build up is removed or redistributed on the road. - Chemical dust suppressants used where necessary.
External Road Dust	- Vehicles causing dirt track out onto main roads would be cleaned up on a regular basis to prevent this becoming an additional source of dust. - Material spillages would be cleaned up promptly.
Excavation	- Apply water sprays to trucks and loading points for dust suppression.

Source	Control Measures
Loading and Dumping	– Dump heights would be minimised wherever possible (reduce to 5 m).
Plant and Equipment	– All plant and equipment used during mining activities would be maintained and operated in a proper and efficient condition. – Reduce idling times of trucks and other machinery. – Fixed plant should be located as far from local receptors as possible.
Excessive Dust Events	
Internal Roads	– Employ additional water spraying / water carts. – Further reduce speed on haul roads during high winds. – Halt traffic movements.
Stockpiles	– Cover stockpiles of material.
Project Site	– Temporarily halt activities and resume once weather conditions have improved.

Waste Management

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

Erosion and Sediment Control

17. Greenbox would install silt traps during the construction phase to ensure there are no pollutants or sediments that exit the Site or unacceptable impacts that would result on surrounding vegetation or waterways.

Protection of Vegetation

18. Greenbox would mark on site with temporary fencing, the clearance boundaries prior to commencement of any construction to ensure that there is no unnecessary removal of vegetation. The fencing must be regularly checked and maintained throughout construction.
19. Greenbox would endorse the program of works outlined within the Vegetation Management Plan in relation to enacting revegetation, regeneration, maintenance, monitoring and review.
20. Greenbox would adhere to the conditions agreed to in relation to the NSW DPIE's – Environment, Energy and Science Group (EES) including:
- The *revegetation areas of contaminated land including the riparian corridor of Stringybark Creek; the fire trail and the vegetated areas of the APZ are to be planted with a diversity of appropriate local native plant species from the native vegetation community (or communities) that occur, or once occurred, on the site.*
 - The *revegetation areas and landscaped areas must a diversity of local provenance species (trees, shrubs and groundcovers) from the native vegetation community (or communities) that occurs, or once occurred, on the site.*
 - Any native trees that are required to be cleared from the site shall be salvaged (for example tree hollows and tree trunks which are greater than approximately 25-30 cm in diameter and 3 m in length) and placed in the revegetation and regeneration areas to enhance habitat.*
 - Seed from any native plants to be removed shall be collected and used in the revegetation and regeneration areas landscape areas.*
 - Any trees that are to be removed from the site are replaced at a ratio greater than 1:1.*
 - Any tree hollows to be removed are to be replaced at a ratio greater than 1:1.*

Aboriginal Heritage

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

Ecologically Sustainable Development

22. Greenbox would investigate the following ESD measures in respect of:

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

Bushfire Protection

23. Greenbox would ensure that:

- a) At the commencement of building works and in perpetuity, the area around the proposed buildings shall be managed as an inner protection area (IPA) as depicted in Schedule 1 – Bushfire Protection Measures (ref: 18AWE02.5:NvD/JT) dated 4 February 2020 prepared by Travers bushfire & ecology and as outlined within Section 4.1.3 and Appendix 5 of PBP 2006 and the NSW Rural Fire Service’s Standards for asset protection zones as follows:
 - North-east: IPA for a distance of 25m (residue of site located towards the north-east to be revegetated to a riparian corridor);
 - South-west: IPA for a distance of 27-36m;
 - South: IPA for a distance of 27m; and
 - North: IPA for a distance of 4-23m.
- b) The provision of water, electricity and gas shall comply with Section 4.1.3 of PBP 2006.
- c) The proposed property access road (driveway) shall comply with Section 4.1.3 (2) of PBP 2006.
- d) Fire trails shall comply with the performance criteria outlined in Section 4.1.3 (3) of PBP 2006.
- e) Arrangements for emergency and evacuation are to comply with Section 4.2.7 of PBP 2006, including the preparation of an emergency/ evacuation plan consistent with the NSW RFS document titled Guidelines for the Preparation of Emergency / Evacuation Plan.
- f) Construction of the proposed data hall’s southern and eastern elevation shall comply with Sections 3 & 8 (BAL 40) of AS3959 – 2009 or NASH Standard – 2014 as appropriate and section A3.7 Addendum Appendix 3 of PBP 2006.
- g) Construction of the proposed data halls northern and western elevations and roofing shall comply with Section’s 3 & 9 (BAL FZ) of AS3959 – 2009 or NASH Standard – 2014 as appropriate. Except for windows, flaming of the specimen is not permitted and there shall be no exposed timber.
- h) Construction of the proposed substation shall comply with Sections 3 & 7 (BAL 29) of AS3959 – 2009 or NASH Standard – 2014 as appropriate.
- i) Construction of the proposed generator platforms shall comply with Sections 3 & 9 (BAL FZ) of AS3959 – 2009 or NASH Standard – 2014 as appropriate. Except for windows, flaming of the specimen is not permitted and there shall be no exposed timber.
- j) Radiant heat shields are to be provided to the generator platforms to prevent flame contact and reduce radiant heat exposure on the structures / machinery.
- k) Landscaping to the site is to comply with the principles of Appendix 5 of PBP 2006.

Dangerous Goods

24. Greenbox would ensure that:

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