

S75W Application

Proposed Modifications

Global Switch Sydney East Data Centre (Stages 2 and 3)

273 Pyrmont Street, Ultimo



Prepared for



13 December 2016

TABLE OF CONTENTS

1	INTRODUCTION	1
1.1	The Subject Site	1
1.2	History of Approvals	2
1.3	Nature of the Proposed Modifications	3
1.4	Specialist Information	3
2	NEED FOR MODIFICATION OF THE PROJECT APPROVAL	4
2.1	Background to Request for Modification	4
2.2	Effects of the Proposed Modifications	4
2.3	Description of Proposed Modifications	4
3	ENVIRONMENTAL ASSESSMENT	5
3.1	Statutory Considerations	6
3.2	Environmental Impacts	7
	3.2.1 Noise Impacts	8
	3.2.2 Summary	10
4	CONCLUSION	10

1 Introduction

This report has been prepared by Helen Mulcahy Urban Planning on behalf of Global Switch and forms part of an application made pursuant to Section 75W of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and seeks approval for a modification of the project approval issued by the Minister for Planning on 16 November 2010 in respect of Major Project Application 08_0222.

In accordance with clause 3 of Schedule 6A of the EP&A Act, section 75W as in force immediately before its repeal on 1 October 2011 and as modified by Schedule 6, continues to apply to transitional Part 3A projects.

Section 75W of the EP&A Act 1979 sets out the parameters within which the Minister's approval of a Major Project Application may be modified. "Modification of approval" means changing the terms of the Minister's approval, including:

- (a) *revoking or varying a condition of the approval or imposing an additional condition of the approval, and*
 - (b) *changing the terms of any determination made by the Minister under Division 3 in connection with the approval.*
- (2) *The proponent may request the Minister to modify the Minister's approval for a project. The Minister's approval for a modification is not required if the project as modified will be consistent with the existing approval under this Part.*
- (3) *The request for the Minister's approval is to be lodged with the Director-General. The Director-General may notify the proponent of environmental assessment requirements with respect to the proposed modification that the proponent must comply with before the matter will be considered by the Minister.*
- (4) *The Minister may modify the approval (with or without conditions) or disapprove of the modification.*
- (5) *The proponent of a project to which section 75K applies who is dissatisfied with the determination of a request under this section with respect to the project (or with the failure of the Minister to determine the request within 40 days after it is made) may, within the time prescribed by the regulations, appeal to the Court. The Court may determine any such appeal.*
- (6) *Subsection (5) does not apply to a request to modify:*
- (a) *an approval granted by or as directed by the Court on appeal, or*
 - (b) *a determination made by the Minister under Division 3 in connection with the approval of a concept plan.*

The application seeks approval for a modification of the construction hours to enable internal works to be carried out within the Stage 2 area until midnight, Monday to Saturday. This report should be read in conjunction with the Noise Impact Assessment prepared by Acoustic Logic Pty Ltd, a copy of which is included at **Appendix 1**.

The report describes the proposed modification, and includes an assessment of the proposal in accordance with the Director General's Environmental Assessment Requirements (DGR's) issued under Part 3A of the EP&A Act on 10 February 2009 in respect of the original project application. A copy of the DGRs is included at **Appendix 2**.

1.1 The Subject Site

The land to which the Project Approval MP08_0222 applies is located immediately to the east of the existing Global Switch building at 400 Harris Street, Ultimo (refer **Figure 1**) and is known as 273 Pyrmont Street.

The land is legally described as Lot 1 DP 1189030.



Figure 1 Location Plan – Stages 2 and 3

1.2 History of Approvals

Project Approval was issued under Section 75J of the EP&A Act in respect of MP08_0222 on 16 November 2010. The approved development included the construction of a purpose built, six storey data centre building above three sub-ground levels containing approximately 22,285 m² of gross floor area and 15,227 m² of plant area. A total of twelve (12) car spaces were also to be provided at the Pymont Street grade level on the northern boundary of the site.

The project approval has been modified on five (5) previous occasions as detailed below:

- MP08_0222 MOD1 – approved on 1 December 2010 by the Department’s then Director of Government Lands and Social Projects to amend the description of the subject land;
- MP08_0222 MOD2 - approved on 15 March 2012 by the then Acting Director of Metropolitan and Regional Projects South. This modification reduced the gross floor area to 18,175m², deleted two (2) basement levels, reconfigured floor levels and space allocation for plant rooms (total area 7,615m²), introduced staged construction (2 stages) and progressive occupancy provisions, including staged payment of S94 Contributions and the replacement of the tri-generation system with conventional grid supply.

- MP08_0222 MOD3 – approved 3 September 2013 by the then Director of Industry, Social Projects and Key Sites, which adjusted the internal floor levels to facilitate better floor level alignment with the existing Global Switch building, incorporated minor amendments to the basement footprint, amended the internal layout of the basement, ground floor and typical floor levels, reorganisation of roof plant and green roof configurations. These amendments resulted in a marginal increase in GFA (+ 757m²) to 18,932m².
- MP08_0222 MOD4 – approved 12 June 2014 by the Director, of Industry, Social Projects and Key Sites, which allowed for the issue of an Interim Occupation Certificate for Stage 1 of the Global Switch East building prior to the completion of the Stage 1 public domain works.
- MP08_0222 MOD 5 – approved 5 March 2014 by the Acting Director, Key Site Assessments, which granted approval to internal modifications to the fitout on the ground and second levels of Stage 1 of the Data Centre.
- MP08_0222 MOD 6 – approved 12 August 2015 by the Acting Director, Regional Assessments, which granted approval to a range of internal changes to Stages 2 and 3 of the Project, including deletion of the building entry on Pyrmont Street.

1.3 Nature of the Proposed Modifications

Global Switch seeks approval for minor modifications to the Project Approval issued in respect of the Data Centre, specifically to vary the hours of operation for the construction phase of the project.

Condition D8 sets out the approved construction hours, as follows:

- 7.30am to 5.30pm Monday to Friday
- 7.30am to 3.30pm on Saturdays
- No work on Sundays or Public Holidays

It is proposed to extend the existing approved construction hours until midnight Monday to Saturday, for internal fitout works within the **Stage 2** area of the approved development. The proposed works will only occur within the building and will not commence until such time as the façade along Pyrmont Street is fully installed (to provide weather proofing to fitout areas).

The range of internal fitout works which are expected to occur within the extended hours will include:

- Construction of internal partition walls (light-weight, steel stud system);
- Installation of services;
- Installation of ceilings;
- Installation of access floor;
- Painting;
- Floor finishes;
- Installation of doors and frames;
- Signage; and
- Commissioning of services.

1.4 Specialist Information

This report should be read in conjunction with the Noise Impact Assessment prepared by Acoustic Logic, which:

- (i) addresses noise impacts associated with the proposed works during the evening and night time periods; and
- (ii) recommends acoustic treatments to ensure that noise emissions comply with City of Sydney Council's "Construction Hours/Noise Within the Central Business District" Code of Practice (1992) guideline.

2 Need for Modification of the Project Approval

MP08_0222 (as amended) granted approval for a Data Centre to be developed in stages. Stage 1 of the building was completed in July 2014. The construction of Stages 2 and 3 is well advanced and project completion is scheduled for November 2017.

2.1 Background to Request for Modification

The project experienced significant delays during the in-ground foundations phase primarily due to encountering class 1 Sydney Sandstone which was extremely slow to break. The building contractors (Hutchinson Builders) complied with its obligations for work health and safety, dust control and environmental considerations during this phase and as a result of these delays, both the completion program and tenant fitout project milestones are at risk.

Accordingly, this application seeks approval to modify the construction hours to facilitate certain internal works to be undertaken (as described in Section 1.3) to assist in the timely completion of Stage 2.

2.2 Effects of the Proposed Modifications

The proposed modification does not alter the characterisation of the use as approved, nor will the variation in the construction hours result in any change in the scale, form, footprint or envelope of the building or the approved access, parking or loading arrangements.

The primary consideration in the assessment of this request is any potential noise impact on the amenity of residential properties to the south of the site at 277 Pymont Street and 424 Quarry Street.

2.3 Description of Proposed Modifications

The proposed modifications to the approved MP 08_0222 require minor changes to various sections of the Consent (as amended), as detailed below. Words proposed to be deleted are shown in ~~strike through text~~ and words proposed to be inserted area noted in **red** text below:

A2 Development in accordance with plans and documentation

The development shall be generally in accordance with the following plans, documentation and recommendations made therein:

A.	Environmental Assessment report for Global Switch Sydney 2 dated March 2010, including appendices and Preferred Project Report prepared by dem (aust) Pty Ltd dated August 2010 including appendices.			
B.	Statement of Commitments prepared by dem (aust) Pty Ltd contained in Schedule 3.			
C.	<p>Section 75W Modification Application dated December 2011, including modified Statement of Commitments, prepared by dem (aust) Pty Ltd.</p> <p>Section 75W Modification Application dated May 2013, including modified Statement of Commitments, prepared by dem (aust) Pty Ltd.</p> <p>Section 75W Modification Application dated 5 February 2015 prepared by Helen Mulcahy Urban Planning Pty Ltd.</p> <p>Section 75W Modification Application dated 16 June 2015 prepared by Helen Mulcahy Urban Planning Pty Ltd.</p> <p>Section 75W Modification Application dated 13 December 2016 prepared by Helen Mulcahy Urban Planning Pty Ltd.</p>			
D.	Architectural Drawings prepared by dem (aust) Pty Ltd, itemised as follows:			
	Drawing No.	Issue	Name of Plan	Date
	CV-00	B02	Cover Sheet, Drawing List, Abbreviations	22/12/2011

0200	B05	Site Plan	05/06/2015
1202	B05	Basement Floor Plan	05/06/2015
1203	B07	Level 0 Floor Plan	05/06/2015
1204	B05	Level 1 Floor Plan	05/06/2015
1205	B06	Level 2 Floor Plan	05/06/2015
1206	B05	Level 3 Floor Plan	05/06/2015
1207	B05	Level 4 Floor Plan	05/06/2015
1208	B05	Level 5 Floor Plan	05/06/2015
1209	B05	Level 6 Floor Plan	05/06/2015
1211	B05	Roof Plan	05/06/2015
2100	B04	Section One	08/05/2013
2101	B06	Section Two	05/06/2015
2102	B04	Section Three	08/05/2013
2103	B04	Section Four	08/05/2013
2500	B04	North & South Elevations	08/05/2013
2501	B05	East Elevation	05/06/2015
5004	B01	Signage Views	22/02/2010
0501	A02	Landscape Plan Ground Floor	15/02/2010
0502	A03	Landscape Plan Roof Level	08/05/2013

It is also proposed to insert a new condition D8.1 as follows:

D8.1 Hours of Construction – Stage 2

Building work within Stage 2 of the approved development may be undertaken within the hours of 7.30am to 12.00 midnight between Monday to Saturday, however activity shall be strictly limited to internal works at the following times:

Monday – Friday 5.30pm – 12.00am
Saturday 3.30pm – 12.00am

The recommended management controls set out in the Noise Impact Assessment prepared by Acoustic Logic Pty Ltd dated 29 November 2016 shall be implemented to ensure no adverse noise or amenity impacts occur to any residential premises.

3 Environmental Assessment

This section of the report describes and assesses the relevant matters for consideration set out in the Director General’s Requirements issued on 16 November 2010 for MP 08_0222 (copy attached at **Appendix 2**).

It should be noted that with the exception of the Noise Impact Assessment prepared by Acoustic Logic dated 29 November 2016 specifically in respect of the proposal to modify the construction hours all the specialist reports submitted in support of the approved Project remain unchanged.

3.1 Statutory Considerations

Clause 3 of Schedule 6A of the EP&A Act provides that the provisions of Part 3A, including the modification powers in Section 75W continues to apply to "transitional Part 3A projects", including relevantly, approved projects. This means that the project approval issued in respect of MP08_0222 can still be modified under section 75W of the EP&A Act.

Clause 3 of Schedule 6A of the Act also states that any State environmental planning policy or other instrument made under or for the purposes of Part 3A, as in force on the repeal of that Part and as amended after that repeal continues to apply to and in respect of a transitional Part 3A project (as defined).

The proposed modification is relatively minor and does not increase the scope or intensity of the approved Project and as such do not result in any departure from the original Director General's Requirements for the Environmental Assessment.

The following table identifies the relevant legislation and provides a brief comment pertinent to this application.

Table 3.1 Summary of Relevant Environmental Planning Instruments

Legislation	Comment	
SEPP (Major Projects) 2005	The Project was declared to be a project to which Part 3A of the Act applied and the Project Application was lodged under the provisions of the SEPP. As described above, the Project has "transitional" status following the repeal of Part 3A of the Act.	
SEPP (Infrastructure) 2007	Clause 104 – Traffic Generating Development and Clauses 85 and 86 relating to development in proximity to a rail corridor are relevant to the Project. It is not expected that the proposed modification to the construction hours will not manifest in any physical changes to the quantum of development and as such the S75W modification is not expected to trigger the need for referral to either Roads and Maritime Services (under cl. 104) or the Rail Authority (under cl. 85 and 86).	
SEPP 55 – Remediation of Contaminated Sites	A geotechnical investigation of the site accompanied the original Project Application and was considered in the Department's original assessment. The proposed modification to the construction hours will not have any impact on the site.	
SEPP 64 – Signage	NOT APPLICABLE	
SREP (Sydney Harbour Catchment) 2005	The site is located within the Foreshores and Waterways Area. The site is unzoned under the provisions of SREP and has no direct interface with the waterway. Cl 20 requires the consent authority to take into account a range of principles and considerations for sites within the Foreshores and Waterways Area, as follows:	
	Cl. 21 Biodiversity, ecology and environment protection	NOT APPLICABLE
	Cl. 22 Public access to, and use of, foreshores and waterways	NOT APPLICABLE
	Cl. 23 Maintenance of a working harbour	NOT APPLICABLE
	Cl. 24 Interrelationship of waterway and foreshore uses	NOT APPLICABLE
	NOT APPLICABLE	

Legislation	Comment	
	Cl. 25 Foreshore and waterways scenic quality	
	Cl. 26 Maintenance, protection and enhancement of views	NOT APPLICABLE
	Cl. 27 Boat Storage facilities	NOT APPLICABLE
Sydney Harbour Foreshores & Waterways DCP	<p>The DCP relates primarily to development at the land / water interface and therefore has limited application to the Project because the site does not directly adjoin the waterfront, nor does it fall within any of the nominated Ecological Communities and Landscape Characters areas.</p> <p>Notwithstanding the above, the design guidelines specified in Sections 5.2 to 5.6 of the DCP apply to all land-based development within the boundaries of SREP 2005, as follows:</p>	
	Section 5.2 Foreshore Access	The proposed modification to the approved construction hours will not have any physical impact on the approved building footprint / envelope, signage, public domain or landscape treatment.
	Section 5.3 Siting of Buildings and Structures	
	Section 5.4 Built Form	
	Section 5.5 Signage	
	Section 5.6 Planting	
Darling Harbour Development Plan No. 1	<p>Darling Harbour Development Plan No.1 is the relevant environmental planning instrument that controls development of the Global Switch site within the Darling Harbour precinct.</p> <p>The approved Project was characterised as commercial premises under the Plan and as such was deemed to be permissible with consent. The proposed modification of the construction hours described in this submission do not alter the nature of the Project.</p>	
Ultimo-Pymont Section 94 Contributions Plan	The proposed modification to the construction hours does not necessitate any adjustment to the contributions levied under Section 94 of the Act.	
The Former GPO and Australian Mortgage Land and Finance Company Site Master Plan	The Project as approved was assessed as being generally compliant with the intent of the Master Plan Strategy for the site and the modification to the construction hours proposed as part of this application made pursuant to S75W does not alter this.	

3.2 Environmental Impacts

The following table makes an assessment of the proposed modifications against the key issues raised in the DGRs and any other potentially relevant environmental effects.

Table 3.2 Summary of Environmental Impacts

DGR / Issue	Commentary
Built form, architectural and urban design	NIL IMPACT
Visual Impact	NIL IMPACT
ESD Initiatives	NIL IMPACT

DGR / Issue	Commentary
Transport, accessibility and car parking	NIL IMPACT
Excavation and construction	The proposed modification will not impact on the buildability of the structure although it is reasonable to expect that the extended hours will accelerate the completion of Stage 2.
Heritage and archaeological impacts	NIL IMPACT
Geotechnical issues	NIL IMPACT
Relocation and protection of existing infrastructure	NIL IMPACT
Noise, vibration and dust emissions	<p>The scale and general form of the approved development remains unaltered. All works will be undertaken in accordance with the existing conditions of the Project Approval which includes appropriate management of noise, vibration and dust emissions during construction.</p> <p>The potential noise impact associated with the proposed extended construction hours is discussed in Appendix 1 and Section 3.2.1 below.</p>
Hazardous materials	NIL IMPACT
Drainage and flooding	NIL IMPACT
Air quality and greenhouse gas impacts	NIL IMPACT
Consultation	NIL IMPACT
Waste management	NIL IMPACT
Accessibility	NIL IMPACT
Acoustic Impacts	The potential noise impact associated with the proposed extended construction hours is discussed in Appendix 1 and Section 3.2.1 below.
Construction site management plan	Noted. All works associated with the proposed modification will occur in accordance with the approved construction management plan.
Social and economic impacts	NIL IMPACT
The public interest	NIL IMPACT

3.2.1 Noise Impacts

A Noise Impact Assessment has been prepared by Acoustic Logic which addresses noise impacts associated with the proposed works during the evening and night time periods. A copy of the report is included at **Appendix 1**.

The existing multi-storey residential properties at 277 Pyrmont Street and 424 Quarry Street, Ultimo, located to the south of the subject site (on the opposite side of Quarry Street), are potentially the only affected receivers. Refer **Figure 2**.

Acoustic Logic has assessed the acoustic environment against the City of Sydney Council's "Construction Hours/Noise Within the Central Business District" Code of Practice (1992). The requirements of Australian Standard 2436-2010 "Guide to Noise Control on Construction Maintenance and Demolition Site" were also adopted for the purposes of the assessment.

Unattended noise monitoring was conducted using a noise logger programmed to store 15 minute statistical noise levels throughout the monitoring period.

The noise monitor was installed on the existing construction hoarding installed on site, along Quarry Street (**Figure 2**). The monitor was installed at maximum distance from any stationary noisy construction plant (generators, hoists etc.), with the microphone positioned to have a clear unrestricted view of Quarry Street.

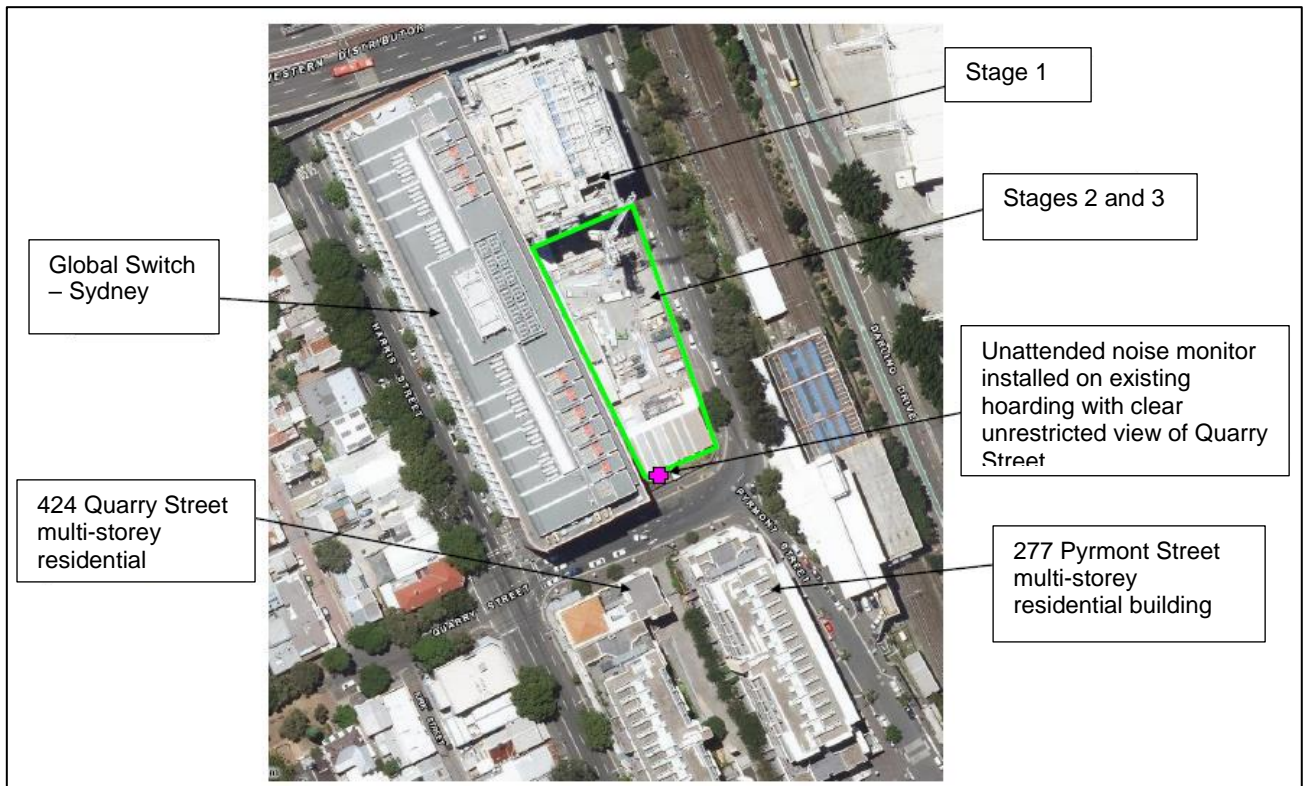


Figure 2 Acoustic context of the approved development (Source: Acoustic Logic)

The background noise levels recorded during the monitoring period are presented in the Table 3.3.

Table 3.3 Rating Background Noise Levels (Source: Acoustic Logic)

Measurement Location	Measurement Period	Rating Background Noise Level dB(A) L ₉₀ (period)
Quarry Street	Monday – Friday 7.00pm – 11.00pm Saturday 5.00pm – 11.00pm (Category 2)	57
	Monday – Friday 11.00pm – 7.00am Saturday 11.00pm – 7.00pm (Category 4)	54

Table 3.4 Construction Noise Objectives (Source: Acoustic Logic)

Receiver Location	Category	Rating Background Noise Level dB(A) L ₉₀ (period)	Construction Noise Objective dB(A) L _{Av} max (15mins)
Residential properties with frontage to Quarry Street	2	57	60
	4	54	54

The Assessment made a series of assumptions about the internal fitout works within Stage 2 of the approved project and derived information about noise levels associated with various equipment from a range of sources including on-site measurements; Table D2 of AS2436-1981 and Table A1 of AS 2436-2010; and data held by the consultant from other similar studies.

The findings of the Noise Assessment indicate the following:

- The proposed fitout works will be a minimum 3dB(A) below the Category 4 construction noise criteria and will have minimal acoustic impact on surrounding residential receivers.
- The proposed fitout works will be a minimum 9dB(A) below the Category 2 construction noise criteria and will have minimal acoustic impact on surrounding residential receivers.

The Assessment concludes that the construction works will comply with the proposed extended hours construction noise criteria during Category 2 and Category 4 periods provided the recommended management controls (see below) are adopted.

The following management controls are recommended to ensure that noise emanating from the site during construction works comply with the noise emission criteria.

- Jackhammering operations should not occur during the proposed extended hours period.
- Angle grinding works within 10m of Stage 2 and 3 boundary must only be undertaken in Category 2 periods or during normal construction hours. They should not be undertaken during Category 4 times (11.00pm to 7.00am Monday to Saturday).
- The external façade along Pymont Street must be fully installed and sealed airtight prior to the commencement of any fitout works.
- No fitout works are not to be undertaken external to the building.
- Any cutting in slabs or hobs should be conducted during normal construction hours.
- Materials handling is only permitted within the stage basement level. No handling operations must be carried out at street level.
- An after-hours contact number of the Site Manager is to be advertised outside the building site, so that residents and other interested parties may contact him, should they believe a noise breach is occurring.

3.2.2 Summary

Having regard to the preceding assessment, it is concluded that the proposed modifications described in Section 2 of this submission will not have any substantive environmental impact and are generally consistent with the terms of the original Project Approval issued in respect of MP08_0222 (as amended).

4 Conclusion

The assessment of the proposed modification made pursuant to Section 75W of the *Environmental Planning and Assessment Act 1979* has demonstrated that it will have no adverse environmental impacts that cannot be managed or mitigated.

The proposed modification is the result of significant program delays experienced during the in ground foundations phase. Accordingly approval is sought to extend the construction hours until midnight Monday to Saturday, to enable internal fitout works to be undertaken within the Stage 2 area of the approved development.

The proposed modifications do not alter the characterisation of the use as approved, nor will they result in any change in the scale, form, envelope or footprint of the building. Similarly the approved access, parking and loading arrangements remain unchanged.

The proposed modifications are generally consistent with the Project Approval issued in respect of MP08_0222 (as amended) and it is not expected that the proposed modifications will result in any additional environmental impacts.

It is therefore requested that the Minister or his delegate approve the modification detailed in this application.

APPENDIX 1
Noise Impact Assessment
Acoustic Logic Pty Ltd

APPENDIX 2
Director General's Requirements
Department of Planning & Environment