

MODIFICATION REQUEST:

***Global Switch Data Centre, Ultimo
MP 08_0222 (MOD 7)***



Environmental Assessment Report
Section 75W of the
Environmental Planning and Assessment Act 1979

April 2017



Cover photo: Artists' impression of Global Switch Data Centre, Ultimo (Source: EA)

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Published April 2017

NSW Department of Planning & Environment

www.planning.nsw.gov.au

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1. BACKGROUND

1.1 Introduction

This report provides an assessment of a section 75W modification application, lodged by the Global Switch Property (Australia) Pty Ltd (the Proponent), seeking to modify project approval MP 08_0222 for the construction of the Global Switch Data Centre at 273 Pyrmont Street, Ultimo in the City of Sydney local government area.

This modification application seeks to extend the approved hours of construction for Stage 2 of the project for internal works only.

1.2 The Site

The site is located at 273 Pyrmont Street, Ultimo in the City of Sydney local government area. The site is bound to the north by the Western Distributor, to the east by Pyrmont Street and to the south by Quarry Street. The site adjoins the existing Global Switch Sydney Data Centre to the west at 400 Harris Street, Ultimo (**Figure 1**).

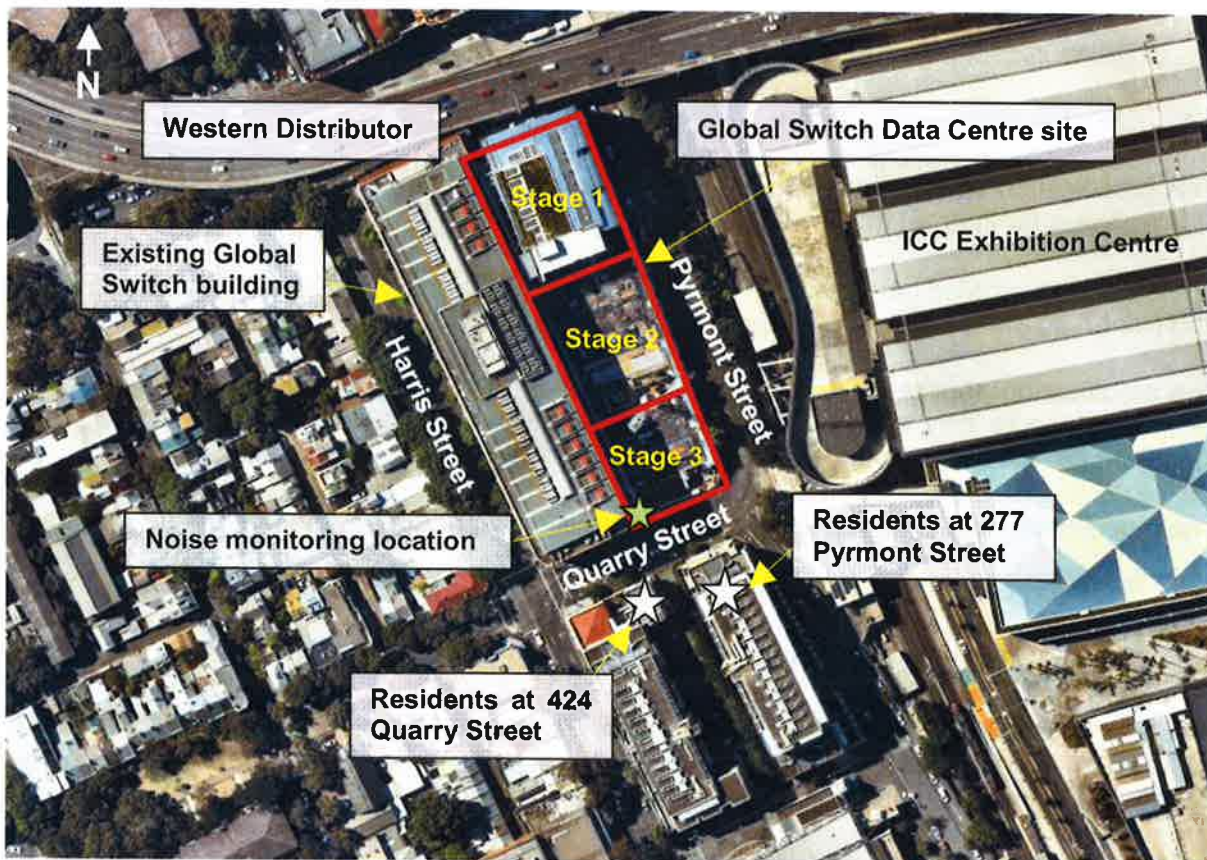


Figure 1: Site location, residential receiver and noise monitoring location/s (Base source: Nearmap)

The closest residents to the site are located in multi-storey residential properties located at 277 Pyrmont Street and 424 Quarry Street, approximately 20 m south and 30 m south-west of the site respectively.

1.3 Approval History

On 16 November 2010, the then Deputy Director-General, Development Assessment and Systems Performance approved a Project Application (MP 08_0222) for a purpose built, six storey Data Centre comprising:

- 22,285 m² of technical area and 15,227 m² of plant area;
- a total of 12 at-grade car parking spaces with vehicular access off Pyrmont Street; and
- landscaping, street upgrade works and building identification signage.

Since project approval, six modification applications have been submitted by the Proponent to amend project approval MP 08_0222. A summary of the modifications is provided in **Appendix A**.

Of particular relevance to this application is the third modification (MP 08_0222 MOD 3) which granted approval for the Data Centre to be developed in three stages (**Figure 1**).

Stage 1 of the building was completed in July 2014. The construction of Stages 2 and 3 is currently well advanced and was scheduled for completion in November 2017. However, the project has experienced significant delays during the in-ground foundations phase.

As a result, the construction program for the project is running behind schedule and the Proponent has recently been exploring options to facilitate the timely completion of the project.

2. PROPOSED MODIFICATION

2.1 Modification Description

This modification application seeks to extend the approved hours of construction for Stage 2 of the project for internal works only.

The existing approved hours of construction are from 7.30 am to 5.30 pm (Monday to Friday) and from 7.30 am to 3.30 pm (Saturdays), with no work on Sundays or Public Holidays.

The modification application seeks approval to extend the hours of construction for Stage 2 for internal works only from 5.30 pm to 12.00 am (Monday to Friday) and from 3.30 pm to 12.00 am (Saturdays), with no work on Sundays or Public Holidays.

The modification would facilitate the timely completion of Stage 2 of the project.

3. STATUTORY CONTEXT

3.1 Continuing Operation of Part 3A to Modify Project Approvals

Clause 3 of Schedule 6A of the *Environmental Planning and Assessment Act 1979* (EP&A Act), as in force immediately before its repeal on 1 October 2011, and as modified by Schedule 6A, continues to apply to transitional Part 3A projects.

Consequently, this report has been prepared in accordance with the requirements of Part 3A and the associated regulations, and the Minister (or his delegate) may approve or disapprove the modifications under section 75W of the EP&A Act.

3.2 Modification of the Minister's Approval

Section 75W(2) of the EP&A Act provides that a proponent may request the Minister to modify the approval for a project. The Minister's approval of a modification is not required if the project, as modified, would be consistent with the original approval. As the proposed modification seeks to alter approved drawings, the modification will require the Minister's approval.

3.3 Environmental Planning Instruments

The following environmental planning instruments (EPIs) apply to the site:

- *State Environmental Planning Policy (State Significant Precincts) 2005*;
- *State Environmental Planning Policy (Infrastructure) 2007*;
- *State Environmental Planning Policy No. 55 - Remediation of Land*;
- *State Environmental Planning Policy No. 64 – Advertising and Signage*;
- *Darling Harbour Development Plan No. 1*; and
- *Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005*.

An assessment of compliance with the EPIs was considered in the determination of the original application (MP 08_0222). The Department has considered the request for extended construction hours against the objectives and aims of these instruments, and is satisfied that the modified proposal continues to be consistent with the provisions of these policies.

3.4 Secretary's Environmental Assessment Requirements

Section 75W(3) of the EP&A Act provides the Secretary with scope to issue Environmental Assessment Requirements (SEARs) that must be complied with before the matter will be considered by the Minister. SEARs were not issued for this modification as the Department did not consider that further environmental assessment requirements were required to support the modification request.

3.5 Delegated Authority

Under the Instrument of Delegation dated 16 February 2015, the Minister's function to determine modification requests under section 75W of the EP&A Act has been delegated to Executive Directors who report to the Deputy Secretary, Planning Services where:

- the relevant local council has not made an objection; and
- a political disclosure statement has not been made; and
- there are less than 25 public submissions in the nature of objections.

As the City of Sydney Council did not object, a political donation disclosure has not been made, and less than 25 public submissions in the nature of objections were received, the Executive Director, Key Sites and Industry Assessments may determine the modification request under delegated authority.

4. CONSULTATION AND SUBMISSIONS

4.1 Notification

In accordance with section 75X(2)(f) of the EP&A Act, and clause 8G of the *Environmental Planning and Assessment Regulation 2000* (EP&A Regulation), the modification request was made publicly available on the Department's website.

In addition, the Department notified the City of Sydney Council (Council) and the Environment Protection Authority (EPA) and nearby properties inviting comment on the modification application.

The Department received a total of three submissions, including two from public authorities and one public submission.

A summary of the submissions received is provided below.

4.2 Public Authority Submissions

Council noted the majority of works will involve fixing, painting and other finishes of which will generate low levels of noise. Council did not object to the proposal, subject to the Proponent conducting a letter drop to potentially effected receivers at least one week prior to the commencement of the extended hours of works.

The EPA advised the proposal does not constitute a scheduled activity under Schedule 1 of the *Protection of the Environment Operations Act 1997* (POEO Act) and therefore it has no comments on the application.

4.3 Public Submissions

The public submission objected to the proposal raising concerns regarding:

- the receivers identified in the NIA may be commercial not residential;
- the need for adequate justification for the proposed extended hours;
- the potential construction (including traffic) noise impacts of the propose modification; and
- the need for the Department to condition the Proponent to comply with the noise management controls identified in the NIA.

4.4 Response to Submissions

On 28 March 2017, the Proponent lodged its response to submissions report (RTS) to address the issues raised in submissions. The RTS included additional information and advice from the Proponent's acoustic consultant advising:

- the construction noise levels in the NIA were predicted at the residential receivers located directly opposite the site; and
- the proposed extended works would be internal only, are unlikely to result in any heavy vehicle movements during the extended hours and would result in negligible construction and traffic noise impacts to nearby residents.

5. ASSESSMENT

The Department has considered the application, the issues raised in submissions and the Applicant's RTS in its assessment of the proposal and considers the key assessment issue to be potential construction noise and construction traffic noise impacts.

The Department's assessment of all other issues taken into consideration in the assessment of the application is provided in **Section 5.3**.

5.1 Construction Noise

A public submission raised concern about the potential construction (including traffic) noise impacts resulting from the proposed construction hours. The Environmental Assessment (EA) is supported by a Noise Impact Assessment (NIA) to address these impacts.

The proposed internal works include interior fit-out of Stage 2 of the Data Centre, including new ceilings and partition walls, surface finishes and services. Key noise sources include mobile scaffolds, hoists and scissor lifts, fixing of surface finishes (tiling), impact drilling, power and hand tools (e.g. angle grinders and circular saws).

Noise associated with the internal fit-out works has been modelled based on a number of key assumptions such as:

- the works commence after the external façade along Pyrmont Street has been installed;

- impact tools (excluding drills) are not used during the internal fit-out works (jackhammers, excavators, bulldozer etc);
- high noise generating appliances such as angle grinders or circular saws are used sporadically; and
- the majority of works will include fixing, painting and finishes which do not generate a significant amount of noise.

Noise monitoring was undertaken in the south-west corner of the site on Quarry Street (**Figure 1**) to establish the existing background noise levels occurring during the proposed extended hours. The background noise levels were then used to establish the construction noise criteria at the nearest residents (**Figure 1**) in accordance with Council's *Construction Hours/Noise within the Central Business District - City of Sydney - Code of Practice 1992* (Code of Practice).

The most stringent noise criteria in the Code of Practice is Category 4 which covers works proposed from 11 pm to 7 am the following day (Monday to Saturday) where noise from construction must not exceed the background noise level. The Category 4 works criteria is applicable to the extended works proposed between 11 pm to 12.00 am (Monday to Saturday). The Category 4 works criteria is more stringent than the out-of-hours works criteria in the EPA's *Interim Construction Noise Guideline* (background plus 5 dBA) and as such, the noise modelling undertaken in the NIA is conservative.

The NIA predicted the cumulative construction noise levels for all of the proposed extended works against the most stringent (Category 4) criteria of the Code of Practice at the nearest residences. The results of this modelling is presented in **Table 1** below.

Table 1: Predicted noise levels from the proposed internal works against the Code of Practice Category 4 noise criteria

Receiver location	Background noise level dB(A) $L_{90}(\text{period})$	Construction noise criteria dB(A) $L_{eq}(15 \text{ minutes})$	Predicted noise level dB(A) $L_{eq}(15 \text{ minutes})$	Complies
424 Quarry Street, Ultimo	54	54	43 – 49	Yes
277 Pyrmont Street, Ultimo			45 - 51	Yes

The NIA found the proposed internal fit-out works would be a minimum of 3 dB(A) below the Category 4 noise criteria and as such would not result in adverse construction noise impacts to nearby residents. The NIA concludes compliance with the Code of Practice would be achieved, subject to the implementation of the following recommended noise management controls:

- restricting the extended works to internal works only;
- no jackhammering is to be undertaken during the extended hours of construction;
- angle grinding works within 10 m of Stage 2 and 3 must only be undertaken from 7 pm to 11 pm (Category 2 hours) or normal construction hours and should not be undertaken from 11 pm to 7 am (Category 4 hours);
- the external façade along Pyrmont Street is to be fully installed, sealed and airtight, prior to commencement of the works;
- no fit-out works are to be undertaken external to the building;
- any cutting of slabs or hobs shall be undertaken during standard construction hours only;
- materials handling is only to be undertaken within the stage basement level and no handling operations shall be carried out at street level; and
- an after-hours contact number of the Site Manager is to be advertised outside the building site, so he/she can be contacted by residents.

In addition to the potential construction (and traffic) noise impacts of the proposed extended works, a member of the public also raised concern the receivers identified in the NIA may be commercial not residential and requested the Department condition the Proponent to comply with the noise management controls identified in the NIA.

In response to these concerns, the Applicant confirmed the proposed extended works would be limited to internal fit-out only and would not generate any heavy vehicle movements (or associated traffic noise) during the extended hours (**Section 5.2.1**). The Applicant has also confirmed the construction noise levels in the NIA were predicted at the residential receivers located directly opposite the site. Given this, and considering the proposed works are predicted to comply with the relevant construction noise criteria, the Applicant concluded the proposed modification would result in negligible noise impacts to nearby residents.

Council noted the works will mainly involve fixing, painting and other finishes of which will generate low levels of noise. Council did not object to the proposal, subject to the Proponent conducting a letter drop to potentially effected receivers at least one week prior to the commencement of the extended hours of works. The letter is to include details of the extended construction hours, the Principal Certifying Authority (including contact address and certification details), the name of the site manager, the responsible managing company, its address and a 24-hour contact phone number for any enquiries, including construction/noise complaints.

The Department is satisfied with the responses provided by the Applicant in the RTS and concurs the proposed modification is unlikely to result in any significant construction (and traffic) noise impacts to nearby residents. To ensure this is the case, the Department has incorporated Council's recommendation into the draft conditions along with additional requirements (as requested in the public submission) for the Proponent to implement the noise management controls recommended in the NIA for the duration of the extended works, restrict the extended works to internal works only and ensure they are inaudible at the nearest residence.

With recommended conditions in place, the Department's assessment concludes:

- construction noise from the proposed extended works comply with the relevant criteria;
- residents would be suitably notified prior to the commencement of extended works;
- the extended works would not result in adverse construction (including traffic) noise impacts to nearby sensitive receivers; and
- the extended works hours would shorten the overall construction period to which surrounding residents would be exposed to noise.

5.2. Construction Traffic Noise

The Department requested the Proponent provide an assessment of the anticipated construction traffic impacts of the proposed modification. In the RTS, the Proponent advised a Construction Zone is in place on Pyrmont Street adjacent to the site which expires at 5.30 pm from Monday to Friday and at 3.30 pm on Saturdays. The Applicant has confirmed all loading and unloading of materials and equipment associated with the extended hours would occur prior to expiry of the Construction Zone at 5.30 pm (Monday to Friday) and 3.30 pm (Saturdays). As such, no heavy vehicle movements would occur outside the existing approved construction hours. The Department has recommended a condition in this regard.

Further, no parking for construction workers is provided on site and construction workers (as is the current case) are most likely to use public car parks in the locality which are remote from the site and the nearest residential properties south of Quarry Street. As such, no

adverse construction traffic noise impacts to nearby residents from staff vehicles are anticipated as a result of modification.

Construction traffic would also continue to be managed via the approved Construction Management Plan (which includes a Traffic Management Plan) as required under Condition C1 of the project approval (MP 08_0222).

Given the above, the Department's assessment concludes the proposed extended hours would not result in any additional construction traffic (or traffic noise) impacts beyond the approved project. The Department is satisfied existing and modified conditions would ensure construction traffic continues to be effectively managed.

5.3 Other Issues

The proposed extended works are internal only and the modification does not seek to alter the use, scale, form, envelope or footprint of the approved Data Centre building. As such, the proposed modification would not result in any additional impacts beyond the approved project in relation to built form, visual impacts, air quality, heritage, access, drainage, flooding and waste management.

6. CONCLUSION

The Department has assessed the merits of the modification application in accordance with the relevant requirements of the EP&A Act and is satisfied the modification would result in minimal environmental impacts beyond the approved project.

In particular, the Department's assessment concludes the potential for increased construction and traffic noise is minimal and can be effectively managed by existing and modified conditions of approval.

The Department therefore recommends the modification application be approved, subject to conditions.

7. RECOMMENDATION

It is recommended that the Executive Director, Key Sites and Industry Assessments:

- (a) **consider** the findings and recommendations of this report;
- (b) **determine** that the proposed modification falls within the scope of section 75W of the EP&A Act;
- (c) **approve** the modification under section 75W of the EP&A Act; and
- (d) **sign** the attached Instrument of Modification.

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Endorsed by:

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Approved by:

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Anthea Sargeant
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APPENDIX A - MODIFICATIONS TO MP 08_0222 – GLOBAL SWITCH DATA CENTRE

MP 08_0222 MOD 1

On 1 December 2010, the then Director of Government Lands and Social Projects approved a modification (MP 08_0222 MOD 1) to amend the 'Land' description of the subject site.

MP 08_0222 MOD 2

On 15 March 2012, the then Acting Director, Metropolitan & Regional Projects South approved a modification (MP 08_0222 MOD 2) to remove two basement levels, introduce a staged construction and occupation process and changes to reduce the gross floor space of technical and plant areas.

MP 08_0222 MOD 3

On 3 September 2013, the then Director Industry, Key Sites and Social Projects approved a modification (MP 08_0222 MOD 3) for minor changes to the approved layout and staged construction from two stages to three stages.

MP 08_0222 MOD 4

On 12 June 2014, the then Director Industry, Key Sites and Social Projects approved a modification (MP 08_0222 MOD 4) to allow the issue of an Interim Occupation Certificate for Stage 1 of the Global Switch East building prior to completion of the Stage 1 public domain works.

MP 08_0222 MOD 5

On 5 March 2015, the Acting Director, Key Site Assessments approved a modification (MP 08_0222 MOD 5) for internal modifications to the fit out on the ground and second levels of the building.

MP 08_0222 MOD 6

On 5 March 2015, the Acting Director, Key Site Assessments approved a modification (MP 08_0222 MOD 6) for various internal and external alterations including deletion of the building entry from Pyrmont Street.

