



**New South Wales Government**  
Independent Planning Commission

## **TRANSCRIPT OF PROCEEDINGS**

RE: TALAVERA ROAD DATA CENTRE CAMPUS EXPANSION  
(SSD-24299707)

### **DEPARTMENT MEETING**

COMMISSION PANEL: MS. JULIET GRANT (CHAIR)  
DR. BRONWYN EVANS AM

OFFICE OF THE IPC: JANE ANDERSON  
TAHLIA SEXTON

DEPARTMENT OF CHRIS RITCHIE  
PLANNING: JOANNA BAKOPANOS

LOCATION: ZOOM VIDEO CONFERENCE

DATE: FRIDAY, 8TH DECEMBER 2023  
9.00AM – 10.00AM

**TRANSCRIBED BY LAW IN ORDER**

MS GRANT: Before we begin, I would like to acknowledge that I'm speaking to you from Gadigal Land, and I acknowledge the traditional owners of all of the country from which we virtually meet today and pay my respects to elders, past and present. Welcome to the meeting today to discuss the Talavera Road Data Centre campus expansion project SSD 24299707 currently before the Commission for  
5 determination. Macquarie Data Centres Proprietary Limited, the applicant, proposes an expansion to an existing data centre located at 17 to 23 Talavera Road, Macquarie Park. The site has an area of approximately two hectares and is currently occupied by a data centre campus, which has been in operation since 2012. The SSD application  
10 seeks development consent to construct and operate an expansion to the existing data centre comprising additional data halls, associated office space, supporting infrastructure, new hardstand areas including relocated driveways and parking areas, and landscaping. My name is Juliet Grant and I'm the chair of this commission panel. I'm joined by my fellow commissioner, doctor Bronwyn Evans. We're also joined by  
15 Jane Anderson and Tahlia Sexton from the office of the Independent Planning Commission.

MS GRANT: In the interests of openness and transparency, and to ensure the full capture of information. Today's meeting is being recorded and a complete transcript  
20 will be produced and made available on the Commission's website. This meeting is one part of the Commission's consideration of this matter and will form one of several sources of information upon which the Commission will base its advice. It's important for the Commissioners to ask questions of attendees and to clarify issues whenever it is considered appropriate. If you are asked a question and are not in a  
25 position to answer, please feel free to take the question on notice and provide any additional information in writing, which we will then put up on our website. I request that all members here today introduce themselves before speaking for the first time, and for all members to ensure they do not speak over the top of each other to ensure accuracy of the transcript. We'll now begin. Um, over. Chris, who's from your team,  
30 who's doing the presentation?

MR RITCHIE: Uh, so, Chris Ritchie, Director of Industry Assessments. Um, firstly, I want to thank the commission for giving us the opportunity to brief you on the assessment of this project. So with me today is Joanna Bakopanos, who's one of my  
35 team leaders. So Joanna and I will be presenting, uh, our presentation. I'm going to do the first part, and Joanna will talk about once we get to the project detail, she'll take over from there, and then we will just interact as we go through the, uh, issues and, and to answer any questions. Essentially, I'm not sure the display we can display our presentation now, but basically.

40 MS GRANT: Do you want us, sorry, did you want us to drive that?

MR RITCHIE: Yeah, if you can, or we can do that?

45 MS GRANT: Tahlia is that something you can. Share screen. Thank you

MR RITCHIE: Just by way of introduction. So Industry Assessments is an assessments team that sits within the Department of Planning and Environment. We deal with a broad variety of different types of projects. We have two assessment

teams that do assessments of, you know, warehouse distribution, data centres, chemical manufacturing, agricultural. So it's a very broad range of remit that we deal with. Equally though, within the team sit the hazard and risk advisors of the government. So they actually sit within the Department of Planning. And they do  
5 work closely with us on various types of projects, given the nature of what we deal with. But equally, they give advice to other parts of the Department but also external stakeholders. And I just wanted to touch on that because I understand there's been some questions about some lithium ion battery and fire related issues, which is something we do need to consider in data centres, and we'll talk about that later in  
10 the presentation. What we plan to do is run through the project itself, but also to quickly describe what is a data centre or what's involved in the data centre. And that helps to understand the nature of the issues that we have to deal with when we're assessing these projects. Then we'll go through a couple of the key issues, and we note in the agenda, there's a couple of things that the IPC has raised. We'll also touch  
15 on those in our responses as well. Next slide please. So the applicant as we've heard is Macquarie Data Centres. The proposal is located at 17 to 23 Talavera Road, which is in Macquarie Park and in the Ryde local government area. As was also-

MS GRANT: I should just jump in and just to let you know that we did go out and  
20 see the site. Um, Bronwyn and I and Tahlia yesterday. And so we did a good, a good visit and walk around.

MR RITCHIE: And what you would have noticed is that and as was touched on in  
25 introduction, it is a campus and there is a little bit of history there in terms of existing data centre operations, proposals to expand that which end up going to court. And then what we'll touch on in our presentation to is, is how then the SSD interrelates or corresponds to what's actually there on site at the moment. Essentially, for data centres, the threshold for why we deal with these is based on a consumption  
30 threshold, which is a little bit different to other triggers in the set that governs what is deemed to be state significant development. The criteria at the time was ten megawatts. This being over 38 did exceed that criteria, which did govern that the project was deemed to be SSD. And the reason we're before the Independent  
35 Planning Commission is because of a reportable political donation. But also there were some objections from Ryde Council at the time, primarily around the stormwater pipe infrastructure was probably the key issue with the project, which we'll talk at length about in our presentation. Those issues have been resolved in terms of the pipe element, but we'll go through that. The key thing about data centres is that they are essentially an industrial building. Uh, but their primary function is to  
40 store information for organisations and for the general public. In terms of a data centre itself, to store that information, there's obviously infrastructure that relates to that particular use. So you're talking about a lots of electronic computer equipment and infrastructure to basically operate that for its whole purpose. Now, what they use for can be varied from personal data to corporate information, so when we talk about  
45 personal data, as we can see, we're talking about social media information, storing people's photos in the cloud for example, from a corporate point of view, you got business payroll information but also what we're seeing data centres used for is also for sensitive information. So some examples are shown there for Medicare or there could be for other government reasons for example. Data centres, particularly in the last number of years, we've seen a significant growth in the number and scale of data

centres that we've sort of been dealing with. For the last five years, I think from our team's point of view, we've dealt with about nine different data centre projects across primarily this part of Sydney, but also western Sydney. And they vary in size and scale. And some drivers around that, which we'll talk about on the next slide, but as you can see on that particular slide there, they do come in different shapes and forms. And as well as some of the issues that we'll talk about around noise and air, which come out of how data centres operate, design and visual also become an issue. So you've got different designs there. The one to the bottom left, for example, and this talks about some of the scale, you can see data centres about four to five hundred metres in length. So we're talking about data centres that can be quite big. So next slide please. Importantly, what we wanted to talk about here and again, that talks to some of the issues in our assessment is what makes up a data centre and some images here try to depict some of those key aspects of what form a data centre. So you've got on that diagram there, a lot of the sort of generator equipment can sit on the ground floor, then you've got data halls that run along the length of the building, and that's dictated by that diagram on the top right hand corner. Then in terms of back up, infrastructure, you've got diesel generators, you've got lithium ion batteries. And because you've got essentially a large computer, building, you do have to have significant cooling systems to keep that infrastructure quite cool. The figures on the bottom left hand corner, for example, do show some of that, rooftop equipment, as we call it, so a lot of your fans and your electrical plant will sit on the roof and that can that will deal, generate potentially noise and air emission issues, which we'll talk about again later. And you've got some data hall images there to basically depict what is located inside these buildings. As I touched on before, because of the way data centres operate and because they're quite large buildings, they need quite complex and sophisticated cooling systems. So when we talk about cooling systems, some of the terms you'll hear about are air handling units, chillers and cooling towers.

And the idea there is you've got to keep this equipment quite at proper temperatures in order for them to operate so they don't overheat. One of the key things for a data centre is the need to have surety of power. So one of the reasons why, for example, we've seen a increase in data centres, particularly in Australia, stems from the fact that it has a more secure energy network than a lot of other overseas locations, for example. But that being said, for people to store their information, they need a surety that they will be able to have access and that information will be protected. So essentially, a lot of these projects that we see have a quite a significant array of emergency backup. Here we primarily talk about diesel generators. For instance in this project is about 16 at present and it will increase to 37. But also the introduction of lithium ion batteries, which is obviously another issue that we have to turn our mind to. The idea that if there is a power issue, then obviously that backup generator system has to kick into play to keep that facility operating. Our assessment then, and we'll talk about that later, has to consider what is that testing regime mean. So Joanna, when we talk about some of the air and noise aspects, we'll talk about that in a bit more detail. But essentially, you know, you have visual issues we have to turn our mind to, but then with the use of these generators and air conditioning units, you have to turn your mind to air emission issues. You have to turn your mind to noise assessment issues. And different data centres also place some of this equipment a little bit differently, which means you've got to sort of adapt and consider that on a

case by case basis. And just to position again where we're located, I know you've been out to the site. The subject site shown in red here. It is located near an existing data centre that's under construction, would be nearly operational by now. But essentially it's on Talavera Road, as you can see there and bounded not far from Lane  
5 Cove Road and the M2 motorway, which is to the north east. One of the sensitive receivers we've had to turn our mind to is the residents in Macquarie Park was about 310m away to the north east. But equally there's a school that's, sort of, educational facility located behind them and that came up as an issue for noise that we had to  
10 turn our mind to in particular. You do have the metro line located to the rear of the site as well. But as you would have seen out there, it's quite a commercial business facility. There are a couple of data centres located in this broader precinct. So here I'll hand over to Joe to run through a bit more on the project and some of the issues.

15 MS GRANT: Jo, you just need to unmute. Sorry.

MS BAKOPANOS: I'm so sorry. Goodness me. Um, yes. So my name is Joanna Bakopanos. I'm from the Department of Planning, and as was touched on earlier, this is an existing data centre campus, so the original one was a conversion of another structure to become a data centre. In 2019, the applicant received approval through  
20 the Land and Environment Court, subject to a section 34 conciliation um, for the expansion of the data centre that was to occur over two stages. The applicant has constructed stage one and that is operational. However, the applicant elected not to continue with stage two. And actually, um, this development application that's before the IPC is effectively a replacement of that stage. So just very quickly about this  
25 particular, the land Environment Court decision, there's an existing Council stormwater easement that traverses the site. It's an operational, um, stormwater pipe, and in order to ensure that Council into the future was able to access it, should there be an issue with the pipe. The data centre was built with a 12.5m undercroft, so essentially it will allow big enough equipment to get in under the under the data  
30 centre and access the pipe should the Council need to. So that was agreed through the Land and Environment Court. And yeah, so Tahlia if you could go to the next slide, please. Yeah, thank you.

So the original development application was submitted in around November 2021 and was placed on public exhibition for a month ending in December 2021. Juliet, as  
35 you've already touched on, it's a 45 metre data centre that's being proposed. There'll be an additional 21 generators, there's additional diesel fuel storage, ancillary office space and importantly, this development application at the time continued that approach from the Land and Environment Court decision to have that undercroft area which would continue to allow Council to access the stormwater pipe should it need  
40 to. The difference, I suppose, between the original, the court DA and this one is that, this particular building is larger. So whilst the Council had initially agreed to the undercroft for that LEC decision, they weren't satisfied for this particular one because it's that much bigger, the undercroft area would be a longer length and the Council was just concerned that that really wasn't a viable long term solution for the  
45 protection of its asset. So they did object to the project, and they strongly recommended that the future easement, which the applicant has proposed or had proposed as part of this, to say it would go around the perimeter of the enlarged building. The Council said "we want that built first, we don't want to have this undercroft". So that really set off a series of, you know, quite extensive discussions,

which I'll go into in a bit more detail in a moment.

But you can sort of see that from the period, from when it was exhibited in December of 2021 and now two years later, where we're before the Independent Planning Commission, so it did take some time to negotiate.

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Just very quickly in terms of other Council concerns, they also did raise, some issues around just broader flooding in and around the site, general storm water for the operation of the project. They were concerned with some of the loss of trees across the site and just some questions around the visual amenities. So, you know, questions of the applicant to reduce the bulk and scale of the rooftop plant, provide further articulation, you know, to the rear facade. And just finally on submissions, we didn't receive any from the public. And in terms of the government agencies, they really just provided advice and didn't raise any additional concerns for the applicant. Next slide. Yeah. Thank you. So fast forward to 2022 and a lot of water under the bridge between the applicant, the Council, ourselves and the chief engineer of the Department and the applicant, and Council and everybody agreed that, yes, in fact, they would construct a new 2100ml stormwater pipe which would go around the perimeter of the expanded data centre, and that would replace the existing stormwater pipe.

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So whereas with the Land and Environment Court decision, it was simply to just provide an easement and some point in the future that stormwater pipe may be built. This particular development application, the amended, there was an agreement that actually that stormwater pipe in addition to providing the new easement, they would actually physically build that stormwater pipe before the data centre building itself would be expanded and operated. As part of the relocation of the stormwater pipe, it was determined that, because there's a bit of other pipe work in the area, including a Sydney water sewer main, the applicant went and spoke with Sydney Water, and there was an agreement around the alignment of where the pipe would go and how that would interact with the sewer main and any works to that. So that was also, negotiated and with the help of the chief engineer, and all parties are in agreement on that, which is positive. Because of the relocated stormwater pipe and the timing of it, the applicant also took an opportunity to just make a few adjustments to the building itself, you know, reducing the undercroft area, which allowed them to provide, you know, a little bit more, room for some of their other plant and equipment, a bit extra in data hall.

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And also, again, because of the location of the stormwater pipe, they've just sought landowner's consent from the adjoining property in the event that they do need to remove a couple of additional trees, so yeah. Next slide please. So, yeah, this is just a very quick plan of what the site is. So what, you can see, that blue line that sort of slashes through the image, is the existing stormwater easement that's in operation and pipe. That orange line that goes at the bottom of the page around the perimeter would be the relocated easement, along with the new pipe. So, yeah, it's just really an image of the layout of a data centre. Thanks. Next. So just very quickly, so in terms of how the applicant sought to address some of the concerns that were raised by the Council and also by the Department through the amendment. As I mentioned, you know, they've, with relocating the stormwater and sewer, they actually determined that they would need to remove 79 trees. Now, they do have a (indistinct) waiver and E.H.G.

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isn't concerned around the need for any ecosystem credits or anything like that. So the applicant has proposed to replace those 79 trees with 83, and they will be focused primarily within the Talavera Road setback. So, really to enhance the development when viewed from the street. Insofar as the visual amenity, they amended the design slightly to include some additional articulation with the horizontal screening, some precast panelling to really create that delineation between the building itself and the rooftop plant.

Whilst Council had and asked for some changes to the rear facade, the applicant argued that because the intent of the design was to create that one campus feeling of the entire site, so they didn't amend it. Council didn't raise anything further in relation to the trees or visual amenity. So the inference of being satisfied with that additional information. I'll go, oh sorry. Just go back very quickly. I beg your pardon, Tahlia. Yes. Oh, sorry. No. You may. That's just a summary. I beg your pardon. Thank you. Yeah, so the stormwater easement. So, when the amended application was referred out to the agencies, there hadn't been an indication by the applicant around the payment arrangements. When the Land and Environment Court decision was made, it kind of left it open for a negotiation into the future around how and who would pay for the new stormwater pipe when it was actually built. And the applicant, in its amended application, sought to kind of continue that same approach. However, the Council continued to maintain its objection and said "look, this stormwater pipe needs to be relocated because of your development and as such it is to be, it needs to be reconstructed at no cost to Council". You know, negotiations ensued and in the end, the applicant did agree to pay the full cost of the relocation of that stormwater pipe. Additionally, and probably most importantly, insofar as the timing is concerned, there needed to be a deed of agreement that covered those relocation works and that related to the timing of the relocation, the timing of the decommissioning of the pipe and the timing of construction of the of the new data centre building. That was a three way deed of agreement between the applicant, Council, but also the landowner who was based in Singapore. So that did present some challenges and, but, you know, presented before the IPC is an agreed signed deed of agreement, which is enabling that process to be facilitated. Council has since provided recommended conditions of consent which are to be included in any instrument, and those relevant conditions have been incorporated into the instrument by the Department. Next slide please. Yeah. So one of the things as Chris touched on earlier relates to construction, sorry, relates to noise, but construction noise is probably typical of, you know, most development across Sydney and the state. This particular project is expected to take, you know, around about 21 months or so to construct and the noisiest is really in that earliest part. The applicant undertook a noise impact assessment using both a, looking at a worst case scenario. And they found that none of the receivers would be highly noise affected. What that means is no one's going to receive noises that's more than 75dB. But there would be some instances where the construction noise management levels were exceeded for some of the commercial receivers including the Excelsior College, and the applicant had sought some slightly extended construction hours, but the Department felt that because of those exceedances of noise at Excelsior College, that that wasn't appropriate at this point in time and that construction noise, construction hours should just continue to be what's recommended through the interim construction noise guideline. One of the other things importantly with this is that they will have a

construction noise and vibration management plan and part of that plan will be to consult with nearby residents, nearby receives, including Excelsior College, to sort of discuss the need for any, you know, periods of respite or other things to manage noise. Thanks, Tahlia. Insofar as operational noise, really, as Chris touched on  
5 earlier, because there's a lot of plant and equipment required to keep the system cool and to keep it running in the case of an emergency.

You know, there are some noise sources that often on the roof, but it's also from the vehicle movements in and around the site. So operationally, at this particular site, in  
10 good news, it does comply at all locations and compliance points. So, but, you know, just to be sure, what the Department has recommended is that they limit the hours of their backup generator testing because that obviously is a source of noise and that will just be Monday to Friday. There's operational noise limits, but also a verification report within three months of operation just to confirm those predictions. Thank you.  
15 With air quality, as Chris mentioned, you know, typical operations are, you know, where you've got some generators that will be be tested and the system is just operating with its, its usual equipment. So we ask applicants to look at that scenario for air quality and noise. But we also ask applicants to really take a look at a worst case scenario, just so we can really understand what would happen if all the  
20 generators are operating during a power outage event and everything's going and what does that mean? So typical operations found that there would be no exceedances of the air quality, so that's particulates and NOx emissions. During a power outage event, they did determine that there was the potential for NOx exceedances as well as particulates, but as I touched on, it's a really conservative  
25 assessment that is done and the likelihood of it actually occurring is, you know, is really quite small. So the Department accepts that, yes, there are exceedances, but day to day operations, it's fine. And so the Department is satisfied. Excuse me, is satisfied with the project. Just quickly around recommended conditions. We have a construction management plan which will go to, you know, general dust and things  
30 for construction. We have restrictions on those backup generators and the testing regime. But importantly, we've actually got a protocol which the applicant will be required to prepare. And that's really about saying, what are the procedures that will be put in place to notify neighbours if there is a power outage event and when the backup generators are operating. We've also asked them to do an incident report, so  
35 to to understand how often in fact those generators are used. Because if we do find that those generators are being operated more than perhaps what they had predicted, we've said, well, you may need to consider additional pollution emission controls. And so you need to make provision within your development for the retrofitting of that if they become a more frequent event in the future. Thanks, Tahlia. Chris wanted  
40 to talk to you about the hazard and risk side of things. Chris.

MR RITCHIE: Thanks, Joe. So just as I touched on before, the Department since probably the early 1990s has been responsible for what we call land use safety  
45 planning in New South Wales. So out of that stems a team of experts that primarily look at hazard and risk issues in the state. Now, that is governed by a state policy formally called SEP 33. There's also a screening process that governs, you know, determining what projects have a level of risk that require an increased level of consideration or assessment. And about 12 very technical papers called hazardous industry advisory papers, or high paps, as we call them. Those staff sit with our team



because we primarily deal with stuff that can be quite risky or quite industrial in nature. I mentioned hydrogen manufacturing before. They look at, you know, ammonium nitrate storage, which can be quite explosive. They look at dangerous goods. And as I said before, they also advise other teams in the Department but also external stakeholders. So whenever we deal with these types of projects, that team do turn their mind and look at potentially hazard and risk issues, including fire issues, which we've seen an increase in consideration around lithium ion batteries. Now, we're seeing a lot of that usage across various different applications and issues. We're seeing now, projects which are purely battery storage or BESSes, as we, as we understand them to be, to basically be big data banks to store energy. And a lot of those are lithium ion based. And again, that team work very closely with the energy team to consider those in a lot of detail. Equally in all those issues they deal with, they are up to speed with current international trends. If there are incidents overseas, for example, there are papers that come out of that that the team do look at to make sure that our consideration is up to current best practice and standards. So in terms of a data centre, there are essentially two types of issues. And a lot of that obviously has got to do with the backup energy systems. So one is diesel storage and the other one is the use of lithium ion batteries. Now diesel again the hazards team did look at that in consultation with New South Wales Fire. Diesel is actually not as dangerous as other types of fuel, so it's deemed to be what they call a combustible fuel, not a flammable fuel. So essentially that means they actually don't exceed that screening requirement. So that first part of 'is this deemed to be potentially hazardous?' - it doesn't meet that criteria, so it's actually under that screening. Notwithstanding given, you know, you can still have fire issues. We have conditioned things around making sure they comply with current Australian standards around the storage and handling of those types of liquids, but also importantly around fire that needs to a fire safety study. And what we specify, you'll notice that in the recommended conditions is that that fire safety study is done before they commence construction. And now that's important because that will govern actually how you build your project and how your fire control systems actually integrate into that. Once someone becomes operational, it's very difficult to enter retrospectively fit some sort of fire management system.

Importantly, both fire brigade and the Department's experts look at that before they can commence construction. Then, in terms of lithium-ion batteries, they are proposing to use 317 tonnes. Being a class nine, again, it's not subject to that screening threshold. However, when you are charging them, they propose a unique potential fire risk. And again, the team did look at that. They look at these types of projects with lithium-ion batteries all the time. And when you look at a battery project that's purely storing an array of batteries, one of the things that's important for how they operate from a fire management point of view is providing separation. So if there is a fire, it can't spread. But in a facility such as this, the key thing is around your fire management system to control a potential fire. And obviously, you know, if something was to occur in a data centre, they, as an operator want to make sure that fire system is managed. In terms of these issues, there are also international standards or what we call FM global, which is an insurance program. Again, we've made sure through the conditions that the use of an array of lithium-ion batteries, for example, do comply with those current standards that apply nationally but also internationally. And you'll see in some of the recommended conditions, we talk about the high pap

guidelines. Now they again, the Department's guidelines there are high paps around fire management. There's high paps around what is the criteria that applies. There are high paps around emergency service requirements. So again, the conditions referred to need to be consistent with those.

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MS BAKOPANOS: Thanks, Chris. And yeah, look, just quickly, insofar as flooding across the site, there is an overland flow path that is across the site and will continue once the development is built and there are conditions recommended around, you know, having a covenant over there for that.

10 The Department worked with the chief engineer and the applicant and the Council to agree on that modelling methodology around the flooding and actually determined that because of the larger 2100ml pipe that was being that will be installed, it will actually result in a reduction in flood depths experienced at adjacent properties. So that's a positive outcome and the Biodiversity Conservation Division were satisfied  
15 with the flood assessment. There's a flood emergency response management plan recommended, along with standard requirements around ensuring finished floor levers are above the 1% AEP and with a 300ml freeboard, which is consistent with Council policy. Thanks. Just briefly on the Ryde LEP incentive provisions. So the LEP offers in bonus incentives for certain commercial developments in the  
20 Macquarie Park corridor, where you're allowed to have a building height of up to 45m, with a floor space ratio of up to 2:1, but the consent authority needs to be satisfied that there's been adequate provision for recreational areas, there's access to, you know, transport network that provides that suitable connectivity within the precinct.

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So the applicant is going to 45, but it's FSR is still only at 102 to 1, so it's still well below the incentive provision there. The development is consistent with the provisions in that it's not actually impacted by any of the future precinct roads or parks that have been identified at Macquarie Park. The existing public domain along  
30 Talavera Road was upgraded through the a work in kind agreement under the previous consent. So the applicant's actually already done quite extensive public domain improvements. And the landscaping that's been provided along that Talavera Road provides that suitable transition between the eastern and southern boundaries and also adjacent to the precinct roads that are not yet constructed but are proposed  
35 to be constructed on adjoining properties. And for those reasons, the Department was satisfied that that 45 metre incentive provision was appropriate. Just quickly, I know the IPC had a couple of questions and I'll just try and quickly go through them and if there's anything that you need me to add to that, please let me know. There were some questions just around heritage, just to let you know that an ACHAR was  
40 prepared so an Aboriginal cultural heritage assessment. Extensive clearing and construction has occurred over the site over those last 50 years and there's been no recorded Aboriginal cultural sites. The registered Aboriginal parties didn't provide any specific comments on any significance across that site and the Department has just recommended standard conditions that have come out of the ACHAR and  
45 standard conditions the Department imposes around unexpected fines and stopping work if anything is found. There was a question on the Section 73 certificate from Sydney Water. Essentially that's a process that's managed with Sydney Water and the applicant just needs to provide a copy of that certificate to the certifier in order to obtain an occupation certificate and Sydney Water's website actually has an

extensive explanation on the section 73 process, which um applies to all development in the state or in, in Sydney, I beg your pardon. I think I've probably already explained or I hope I've already explained around the campus expansion and that there's an existing development stage one of the land and environment court approval was acted upon, and this particular project would replace stage two, inasmuch as the conditions of approval that are in existence, they're not proposing to amend that application or amend that consent as part of this application and Council hasn't indicated a need for any amendments that we're aware of. The Macquarie Park place strategy, which has recently gone on public exhibition is for stage one only, which doesn't actually include the Talavera Road site.

Notwithstanding, it wouldn't apply because this development application was submitted well before that draft went on exhibition but it doesn't apply because stage one doesn't relate to that, to that land. Yeah, traffic, you know, it's a really low generating type of development when you compare it to other commercial or warehousing development that that does occur in and around Macquarie Park. The car parking itself aligns with what the Land and Environment Court approval asked for, which is those 71 spaces and Council didn't raise any further concerns around that. And insofar as developer contributions, when the original Land Environment Court approval was given, there were contributions required to be made for both stages one and two. The applicant has actually already carried out all of those, has either made the payments or has carried out work in kind for stage two. So those contributions have already occurred because this particular DA replaces stage two, the Department was actually satisfied that the applicant did not need to pay any further contributions to towards Council because they've effectively already done that through the stage two payment for that. And finally, look, in terms of recommended conditions, look, we've placed strict conditions on this particular development in consultation with the agencies and Council and with the applicant. The conditions are designed to monitor the impacts throughout both construction and operation. There are limits set on noise, hours of operation for construction, restrictions around backup generator testing, and requirements to verify the predictions made in the EIS. We have management plans that will govern the carrying out of construction and where relevant for the operational management side of things with requirements to report on the use of those backup generators and keeping the community informed. So, the easement, which really was the biggest component of this project and the biggest source of objection for the Council, really importantly, working with the applicant, the Chief Engineering Council, they were able to negotiate an agreement to relocate that pipe, to have that pipe to be constructed before they start building the main data centre building, that they will decommission the existing stormwater pipe so that it doesn't present a risk to the building into the future and then create any concerns around liability and that there's, you know, the timing of when the sewer works need to be relocated as well. I think that might be the end of the Department's presentation. It is. So thank you commissioners, for the opportunity to present the Department's assessment of the application. And we can answer any further questions that you have.

MS GRANT: Thank you. That's terrific. Thank you Joe and Chris. Um, Bronwyn, do you have any particular questions arising? I think that presentation covered quite a lot of our previously raised issues. But do you have anything further?

DR EVANS: Yes, I was just, it was a question coming off the back of our site visit yesterday and you mentioned, Excelsior College in particular as being one of the motivations for your noise and therefore construction controls. I'm just curious if you  
5 went on site because when you look at Excelsior College, they front Waterloo Road and they've got all those sheds at the back, so I was just curious that there'd be any particular impact of noise on where it looks like people work at the front of the building.

10 MS BAKOPANOS: The Department did go on to the site. I'm not sure when we went exactly, but it was some time ago. And yeah, look, I think the issue around Excelsior College probably came up a little bit after we'd been onto the site, so it may well be that the majority of the use of the site if fronts more to Waterloo Road. But insofar as the noise management, guideline and the predictions, there are  
15 predictions up to six decibels at times. And the Department really felt that, you know, the standard construction hours are appropriate for this particular site. And importantly, one of the other things in our conditions, and this goes for all of our consents that, um, we recommend - that provided that you're inaudible, so that you can't be heard at an adjoining site, you actually can undertake construction outside of  
20 those hours. You may also seek to get approval from the from the planning secretary for out for certain works out of hours, and that's usually things like concrete pours which we recognise need to happen earlier. As long as the applicant lets us know in advance and explains that to us, we will facilitate things like that, and we think that that strikes the right balance.

25 MR RITCHIE: Essentially, that the assessments based on that modelling primarily and I think from memory to and Johanna can clarify that college actually has different hours as well. So it does operate a bit later in the evening. So some of the traffic, as you say, which might give a sense of elevated background, will drop down.  
30 But then if they're doing construction hours beyond what's a normal time period, while the college is there, then that's when we could see a potential noise issue.

DR EVANS: Thank you. And can I just confirm when you talk about 6dB, it's 6dB above ambient because 6dB you wouldn't hear with normal hearing.

35 MS BAKOPANOS: No, it's six decibels above what the recommended noise management levels are within, I beg your pardon.

DR EVANS: Yeah. Because I was curious that anyone would hear 6dBs of anything.  
40 Certainly not with my hearing.

MR RITCHIE: No the minimum. Generally, there's two types of criteria. There's the (indistinct) and intrusive, but generally the minimum you would have, particularly at night, is say 30, for example, but definitely not six. It's above what would be the  
45 noise management level.

DR EVANS: Thank you for that explanation. And also just thank you for covering off the questions I had on the lithium ion batteries. Just one question there. Who will

be checking and have responsibility for enforcement of compliance with those high paps and international standards. Where does that responsibility lie?

5 MR RITCHIE: In our team. So essentially so there's three members to that team. There's a team leader, a senior and a junior. They're all chemical engineers. They have their own modelling program. They would look at that and basically prepare a memo of advice, of which Johanna and I would be responsible for signing off on.

10 DR EVANS: Ok, thank you for that.

MR RITCHIE: But the lithium is in a lot of applications that we do look at the moment.

15 DR EVANS: Yeah.

MR RITCHIE: And it's something that we're very across and what we do as well in this space we have monthly meetings with safe work. We also have regularly with New South Wales Fire to make sure that we're looking at trends and issues collaboratively to make sure there's a consistent approach.

20 DR EVANS: Okay. And my final question and then I will stop, was around the facade. Now they talk about the facade being precast concrete panels. And we know over the last many years that non-compliant facades have been used and therefore fire hazards. What's been the assessment of the facades proposed vis-à-vis fire hazard?

25 MS BAKOPANOS: The development, and when it's constructed, would be required to comply with the Building Code of Australia so they would be expected to achieve those particular fire ratings and outcomes and the Certifiers are typically responsible for, I guess, you know, issuing the construction certificate or an occupation certificate to confirming that they meet the particular standards. If there were something that was in particular of concern, we do have a compliance unit that would investigate as necessary. Yes. Does that answer your question?

35 DR EVANS: Look, it does in terms of the process. It didn't, all of those things were in place when we had the fires in Victoria. But notwithstanding, that's the that's the most appropriate that we can take. Thank you.

40 MR RITCHIE: Just maybe to add, there's a condition A29, which is pretty standard across a lot of the consents from the Department, which stemmed out of a combustible cladding task force investigation. So there will be a condition that talks about providing evidence that products and systems proposed to be used in the construction of external walls, including finishes and cladding, such as synthetic or aluminium, composite panels, comply the requirements of the BCA.

45 DR EVANS: Excellent, yeah.

MR RITCHIE: In terms of the fire issues, I understand a lot of it was to do with aluminium cladding because that was some material that came from overseas, which caused some issues.

5 DR EVANS: That was the rhetoric, yes. I agree. Thank you.

MS GRANT: Thanks Bronwyn. My only, I guess, follow up question was, again, around that hours of operation and the restrictions being imposed in order to support Excelsior College. They didn't make a submission during it. Did the Department ever  
10 having any engagement with them at all?

MS BAKOPANOS: No, no, no the Department didn't, I mean, when the development application goes on public exhibition, all surrounding landowners and potentially affected people are notified. So they would have received a notice that it  
15 was on exhibition. But it's not uncommon that, people don't make submissions to the Department. And the Department's responsibility is to ensure that, you know, impacts are, you know, anticipated and mitigated in advance. The construction hours are consistent with the EPA's construction noise manual. They're not more onerous. They're just what is typical of construction hours. And as I mentioned, if there are  
20 particular reasons where they need to do an extended hours of operation, they may request that from the planning secretary.

MS GRANT: I was, I was just more wondering. Obviously, I'm mindful of not upsetting the apple cart with what the standard practice is. But if the college, for  
25 example, doesn't open, operate on a Sunday and there was a, you know, even that the sensitive receivers, that's the only one in that sort of vicinity. You know, there'd certainly be some general public benefit in having construction periods shortened. So if there was an opportunity to perhaps do some work Sundays, if that didn't impact on the college, then maybe that was something we could explore.

30 MS BAKOPANOS: I don't think the applicant sought Sunday operations in their application anyway, and I don't think they've actually modelled what that might look like.

35 MS GRANT: Okay, sorry. I thought Sunday construction was one of their requests.

MS BAKOPANOS: I could take that on notice. I may have. Yeah.

40 MS GRANT: You probably don't need to play with an hour here or there.

MR RITCHIE: But then again, as a standard condition in pretty much all consents that we do, there's always opportunities and it's reflected in B2 Subclause B that if you do want to seek to do works outside of a particular construction period defined, then you can seek the Secretary's approval on a case-by-case basis. So that's-  
45

MS GRANT: Is that usually forthcoming.

MR RITCHIE: That's not unusual. Not at the moment.

MS GRANT: Yes, yeah...

MR RITCHIE: And sometimes we do acknowledge that if you shorten it can actually be a broader benefit. But even in that process we do ask applicants to make sure they've consulted neighbours that there is a management process in play and also to demonstrate what's a level of impact. So, it's a pretty standard thing. But yeah, they.

MS GRANT: Had they had sought on page 32 of your report, it says they were seeking building construction of get out 7 a.m. to 3 p.m. on a Sunday.

MS BAKOPANOS: Yeah. And look, I think the construction would probably be, like, that's not something the Department typically has any construction on Sunday anywhere, but the fit out is most likely going to be inaudible. So they would be able to carry that out without, um, further approval from the planning secretary.

Which leads, I guess, to the next question. Are you aware if the applicant is comfortable with these set of conditions? Do you ordinarily show them and?

MS BAKOPANOS: Correct. Yes, they have seen those conditions.

MR RITCHIE: Every, every project-

MS GRANT: And they haven't raised that it's an issue.

MR RITCHIE: Well, they did.

MS GRANT: Oh okay.

MR RITCHIE: But we did clarify to say well this is the Department's position. There are opportunities down the track. And for the purposes of, you know, they're very keen on having a decision given the process that we've been through or the journey in terms of the pipeline to, to keep moving. But again, it's a standard thing that they can always come back and seek clarification.

MS GRANT: Okay. And we can ask them we're meeting with them this afternoon so we can ask.

MS GRANT: I don't have any other. Jane or Tahlia is there anything that is intriguing you while we have this opportunity?

MS SEXTON: Yeah.

MS ANDERSON: Nothing from me, Tahlia?

MS SEXTON: Me either.

MS GRANT: Fantastic. Bronwyn. Last? No.

DR EVANS: I'm very happy that that was a really good presentation. Thank you.

MS GRANT: Yeah, thank you all, yeah, for your time, we're spot on the time too.  
Perfect. But no, thank you. We, yeah, definitely benefit from having your  
presentation and briefing. So, thank you very much for your time. And have a lovely  
5 Friday and a lovely weekend.

MS SEXTON: Thank you.

MR RITCHIE: Thanks for having us.  
10

MS SEXTON: Cheers. Bye.

MS ANDERSON: Thank you.

15 MEETING CONCLUDED