



Mr Frank Ianni
Project Director
Stockland Trust Management Ltd
Level 25, PICCADILLY TOWER
133-145 CASTLEREAGH STREET
SYDNEY NSW 2000

Attention: Mr Jamie McMahon, AECOM

22/12/2020

Dear Mr Ianni

**Macquarie Park Data Centre (SSD-10467)
Response to Submissions**

The exhibition of the development application including the Environmental Impact Statement (EIS) for the above proposal ended on 18 December 2020. All submissions received by the Department of Planning, Industry and Environment (the Department) during the exhibition of the proposal are available on the Department's website at:

<https://www.planningportal.nsw.gov.au/major-projects/project/35036>.

The Department requires that you provide a response to the issues raised in those submissions, in accordance with clause 82(2) of the Environmental Planning and Assessment Regulation 2000. Please provide a response to the issues raised in these submissions within two months of the date of issue of this letter. You are also requested to submit additional information that addresses the comments provided in **Attachment 1**.

Note that under clause 113(7) of the Environmental Planning and Assessment Regulation 2000, the days occurring between the date of this letter and the date on which your response to submissions is received by the Planning Secretary are not included in the deemed refusal period.

If you have any questions, please contact Patrick Copas on (02) 9274 6273 or via email at patrick.copas@planning.nsw.gov.au.

Yours sincerely

A handwritten signature in black ink, appearing to read 'C. Ritchie'.

Chris Ritchie
Director
Industry Assessments
as delegate for the Planning Secretary

ATTACHMENT 1 Department's Comments

Compliance with the concept approval (as modified)

1. The Department understands amending development application LDA2020/0229 was approved by the Sydney North Planning Panel on 9 December 2020. The Response to Submissions (RTS) should include an updated version of Table 4-6 from the Environmental Impact Statement (EIS), assessing compliance against all existing and modified conditions outlined under concept approval LDA2017/0547.

Total number of back-up generators

2. The Department notes the EIS and the Noise and Vibration Impact Assessment refer to a total of 19 back-up generators, whereas the Air Quality Impact Assessment refers to a total of 18 back-up generators. Given this discrepancy, the RTS should:
 - (i) clarify how many back-up generators would be installed at the site
 - (ii) include an updated version of the Air Quality Impact Assessment which considers all 19 back-up generators (if necessary).

Testing of the back-up generators

3. The Department notes that Schedule 1, clause 17 of the *Protection of the Environment Operations Act 1997* does not apply to "...the generation of electricity by means of electricity plant that is emergency stand-by plant operating for less than 200 hours per year."

The Environment Protection Authority has historically held that 'plant' is interpreted to encompass all proposed generators collectively, and that 'operation' would also include testing (should the internal combustible engines be turned on during each test).

Given the above, please clarify the total number of hours each year that testing would be undertaken at the site, and clearly outline the assumptions behind this calculation (e.g. number of tests per day, test duration, etc).

The calculation should be based on the number of 'real time' testing hours that would be undertaken at the site. For example, five generators being tested concurrently over the course of an hour would count as one hour towards the 200-hour threshold, rather than five hours.

Road safety audit

4. As requested by Transport for NSW (TfNSW), the RTS should include an independent Stage 2 (Concept Approval) Road Safety Audit. The audit must:
 - (i) be prepared by an independent TfNSW-accredited road safety auditor
 - (ii) be prepared in consultation with TfNSW
 - (iii) include the service vehicle access points to the site along Road 22 and the intersections of Talavera Road / Road 22 and Road 22 / Road 1
 - (iv) be prepared in accordance with *Austrroads Guide to Road Safety Part 6: Managing Road Safety Audits* and *Austrroads Guide to Road Safety Part 6A: Implementing Road Safety Audits*.

Aboriginal cultural heritage

5. It is noted that the Metropolitan Local Aboriginal Land Council's letter dated 15 September 2020 recommends that it be consulted regarding native vegetation species to be planted at the site, and that local Wallumattagal and/or Gadigal language names be used for interpretation panels/signs to be erected at the site. The RTS should confirm whether these recommendations will be implemented and, if not, justify why the recommendations have not been incorporated into the State significant development (SSD) application.

Management and mitigation measures

6. Please provide a consolidated list of all management and mitigation measures contained in the EIS and/or RTS, in both '.docx' and '.pdf' formats.