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Patrick Copas
Senior Environmental Assessment Officer
Planning and Assessment Division
Department of Planning, Industry and Environment
Locked Bag 5022
PARRAMATTA NSW 2124
Email: Patrick.copas@planning.nsw.gov.au

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No Comment to Planning Advice Request

Dear Patrick Copas

Thank you for the request for advice from Public Authority Consultation (PAE-11302971), requesting input from the NSW Environment Protection Authority (EPA) on the Environmental Impact Statement (EIS) for the proposed Macquarie Park Data Centre (Application SSD-10467) at 17 Khartoum Road and 33-39 Talavera Road, Macquarie Park.

On 9 June 2020, the EPA sent DPIE correspondence stating that it had no comments to make on the proposal and no follow up consultation was required (Ref: DOC20/428062-1).

Based on the information provided, the proposal does not appear to require an environment protection licence (EPL) under the *Protection of the Environment Operations Act 1997*. Furthermore, the EPA understands that the proposal is not being undertaken by or on behalf of a NSW Public Authority, and none of the proposed activities are activities for which the EPA is the appropriate regulatory authority.

Clause 17, schedule 1 of the POEO Act outlines that an EPL is required for electricity generating works, however, it specifies that this does not include an emergency stand-by electricity plant that operates for less than 200 hours per year. Section 4.3.6.3 of the EIS states that testing of the stand-by electricity plant for the data centre 'is highly unlikely to exceed the 200-hour limit'. To ensure that an EPL is not required, the EPA recommends that DPIE include a condition of approval restricting the use and testing of the stand-by electricity plant at the premises to under 200 hours per year.

The EPA has no further comments to provide on this project and no follow-up consultation is required, unless additional information is provided that identifies that the proposed activity will require an EPL.

The EPA recommends that City of Ryde Council is consulted as the appropriate regulatory authority under the *Protection of the Environment Operations Act 1997* in relation to the proposal.

Phone 131 555
Phone +61 2 9995 5555
(from outside NSW)

TTY 133 677
ABN 43 692 285 758

Locked Bag 5022
Parramatta
NSW 2124 Australia

4 Parramatta Square
12 Darcy St, Parramatta
NSW 2150 Australia

info@epa.nsw.gov.au
www.epa.nsw.gov.au

If you have any questions about this request, please contact Afnan Fazli on (02) 8275 1455 or via email at Afnan.fazli@epa.nsw.gov.au.

Yours sincerely



JACQUELINE INGHAM
Unit Head – Metropolitan West
Regulatory Operations Metropolitan